

1 did you meet any administrators at Strong Vincent? By
2 administrators I mean the principal or any assistant
3 principal?
4 A. No, not before the 11th or 12th that I recall.
5 Q. You did not meet any of them?
6 A. I don't remember meeting anybody before the 11th
7 or 12th of November.
8 MR. MARNEN: Off the record.
9 (Discussion held off the record.)
10 Q. Rachel did not finish the year at Strong Vincent,
11 correct?
12 A. No.
13 Q. She left in January of 2002?
14 A. Yes.
15 Q. Before she left did you ever meet in person any
16 administrators at Strong Vincent? I don't mean by
17 telephone, I mean face-to-face?
18 A. I met with Miss Woods on January 9.
19 Q. January 9 --
20 A. January 10th it was, I'm sorry.
21 Q. January 10, '02 you met with Miss Woods?
22 A. That's correct, yes.
23 Q. That would be Janet Woods?
24 A. Yes.
25 Q. And she was the principal at Strong Vincent?

Page 13

1 A. Yep.
2 Q. At any time prior to January 10, 2002 did you meet
3 with Miss Woods?
4 A. Yes.
5 Q. When?
6 A. It was on January 9th on the steps of Strong
7 Vincent. R [REDACTED] had gotten out of -- I believe she had just
8 gotten out of P.A.S.S. She said we need to have a meeting.
9 Q. Okay. We will go back to that. At any time prior
10 to January 9, 2002 did you have a person-to-person
11 conversation or contact with any administrator -- well, with
12 Janet Woods?
13 A. Janet Woods before January 9th, 2000?
14 Q. Yes, sir. If you don't remember, that's an
15 acceptable answer.
16 A. I don't remember.
17 Q. At any time before R [REDACTED] left Strong Vincent in
18 January 2002, did you have a person-to-person meeting with
19 any administrator besides Janet Woods?
20 A. Person-to-person?
21 Q. Yes, sir.
22 A. Trying to think. I can't recall.
23 Q. I know she's an administrator, but I will mention
24 her name. Did you have any person-to-person meeting with
25 Linda Cappabianca before R [REDACTED] left Vincent in January of

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1 '02?
2 A. Yes.
3 Q. When did you meet with Linda Cappabianca
4 person-to-person?
5 A. I believe that would have been in January and
6 Rachel was -- she called and told me to come and get Rachel.
7 Q. Was that before or after the January 9, 2002
8 person-to-person contact with Janet Woods on the front steps
9 of the school?
10 A. I believe that was before.
11 Q. It was in January, though?
12 A. Yes.
13 Q. If you just sit there and focus for a second, can
14 you give me an exact day?
15 A. I'm trying to think. I believe it was January. I
16 can't remember.
17 Q. It may help a little bit to look at Exhibit B.
18 You look at Page E286 and you'll see that kids came back
19 from school on January 2, 2002.
20 A. I can't remember.
21 Q. But anyway, sometime before January 9 you had a
22 person-to-person contact with Linda Cappabianca, right?
23 A. That's my recollection.
24 Q. Tell me about that contact. Where was it and what
25 happened?

Page 15

1 A. I'm not really sure what office. We were in a big
2 office. She was upset, and I bawled out R [REDACTED] in front of
3 everybody there.
4 Q. Linda Cappabianca was upset?
5 A. Yes -- I'm sorry.
6 Q. What time of day was this?
7 A. That was in the morning, in the morning.
8 Q. Before school?
9 A. No, no. It would be around 9:30, I think it was.
10 Q. And it was in a room, a big office at Strong
11 Vincent and you were there and Linda Cappabianca was there,
12 right?
13 A. Yes, and there was other people, but I don't know
14 who they were.
15 Q. Other people too?
16 A. Yes.
17 Q. Were they school employees?
18 A. Yes.
19 Q. Was R [REDACTED] there too?
20 A. Yes.
21 Q. Was Shelly your wife there?
22 A. No.
23 Q. And why were you at -- this was at Strong Vincent?
24 A. That's correct.
25 Q. Why were you at Strong Vincent that morning?

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1 A. Miss Cappabianca had called me up and said R [REDACTED]
2 was being dirty and filthy. She was being a filthy little
3 girl and she needed to be disciplined, and you need to come
4 down and get her now.
5 Q. Did you come down immediately?
6 A. Within about 15 minutes.
7 Q. So the telephone call was made in the morning of
8 January, whatever that date was?
9 A. Yes.
10 Q. You were at the school in 15 minutes?
11 A. Within 15 minutes, it's just a couple blocks up.
12 Q. During the telephone conversation did she say
13 anything beside R [REDACTED] is a filthy little girl, you need to
14 come down and get her now?
15 A. And she said she needed to be disciplined.
16 Q. Did she say anything besides those things?
17 A. No.
18 Q. So did you walk down, drive down?
19 A. I drove.
20 Q. Were you alone in the car -- were you alone?
21 A. Yes.
22 Q. Did Miss Cappabianca tell you where to meet her?
23 A. I just went to the front office.
24 Q. Was Miss Cappabianca in that complex of the front
25 office?

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1 A. Yes.
2 Q. And was this meeting in an office within that
3 administrative office?
4 A. There was -- inside the office when you go in the
5 main doors when you come up, I think it's off to the left.
6 There is a big office area. I went up to the front desk and
7 I asked to speak to Miss Cappabianca, and she actually met
8 me part way out.
9 Q. Was she on the other side of this counter or this
10 front desk?
11 A. She was in another room near the -- there is the
12 secretary over here, and then there's the PA system, and she
13 was back behind like another office room.
14 Q. She came out and met you?
15 A. Yes.
16 Q. This is at the desk, front desk, is that like -- I
17 have heard the word counter, is that the right word for
18 that?
19 A. It was a counter, yes.
20 Q. It's something that's solid all the way to the
21 floor and it's long?
22 A. Yeah.
23 Q. And after she greeted you at that counter -- is
24 that what she did?
25 A. We went back in the office and she said --

Page 18

1 Q. She led you back to some other office?
2 A. Right behind -- as you go into the counter there's
3 a little thing you can walk back in there. We went back
4 there, and she said R [REDACTED] needs to go home.
5 Q. When she told you that, was a door to the room
6 closed?
7 A. I don't remember that, no.
8 Q. In the room was Linda Cappabianca, R [REDACTED], you and
9 some other people you can't identify?
10 A. No, not in that room.
11 Q. Oh. In that room who was there?
12 A. Just myself, R [REDACTED] and Miss Cappabianca.
13 Q. All right. She said that R [REDACTED] must go home?
14 A. She said she needs to go home.
15 Q. Did she say anything else?
16 A. Just repeated what she told me on the phone. She
17 needs to suck it up, ignore it. And she's got a dirty,
18 filthy little mouth. I started yelling at R [REDACTED] in the
19 room as we were walking out towards the main office area.
20 Q. Did you ask Miss Cappabianca what she was talking
21 about, why she was saying that R [REDACTED] was a filthy little
22 girl and she needs to suck it up?
23 A. Yes.
24 Q. Tell me, as best you remember, the words you used
25 when you made that inquiry.

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1 A. Best I can remember she was talking -- she said
2 something about R [REDACTED] being -- talking about sucking dick.
3 THE WITNESS: Can I say that?
4 Q. If you are quoting, go ahead and say it.
5 MR. OLDS: This is a court record, you can say
6 that.
7 (Discussion held off the record.)
8 Q. Are you quoting Linda Cappabianca?
9 A. Yes.
10 Q. Linda Cappabianca -- would you please repeat that,
11 I'm sorry, I'm not being --
12 A. She said R [REDACTED] was sucking dick. Said that
13 R [REDACTED] had talked about sucking dick.
14 Q. Did it go any further than that; did you ask more
15 questions; did she give you more details?
16 A. No. I told her that's out of R [REDACTED]'s context,
17 that she doesn't normally talk like that or anything of that
18 nature. I started yelling at R [REDACTED] though, because I just
19 took it at her face value what R [REDACTED] was saying.
20 Q. Did you get the impression that Linda Cappabianca
21 was talking about R [REDACTED] actually performing this act on
22 other people or was she simply talking about the act as an
23 act that people perform in general?
24 A. I'm sorry, repeat that, please.
25 Q. In your mind was she accusing R [REDACTED] of talking

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1 about R [REDACTED] performing this act on other people?
2 A. Yeah.
3 MR. OLDS: Do you understand the question? What
4 he is asking is --
5 MR. MARNEN: I am trying to be polite.
6 MR. OLDS: What he is asking you is was she saying
7 that R [REDACTED] was talking about it or was she saying
8 that R [REDACTED] was describing what she was doing?
9 That's your question, right?
10 Q. Was she accusing R [REDACTED] of sucking dicks?
11 A. Was she accusing her?
12 Q. Yes. Or was she accusing R [REDACTED] only about
13 talking about doing that?
14 A. No, she said R [REDACTED] had talked about that.
15 Q. When R [REDACTED] talked about it, did she talk about
16 R [REDACTED] doing it or talking about was she talking about it in
17 general?
18 A. In general.
19 Q. Okay. If you know, was she trying to quote what
20 Rachel said or was that language she selected on her own,
21 Linda Cappabianca?
22 A. In all fairness I can't answer that question
23 truthfully because I don't know how her perception is.
24 Q. Did you ask Linda Cappabianca where Rachel said
25 this?

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1 A. I'm not sure I follow that question.
2 Q. Did you ask whether it happened in gym class or at
3 cafeteria or in the hallway or in assembly?
4 A. No. I didn't ask anything like that, no.
5 Q. Did you ask her who she was talking about this sex
6 act with and under what circumstances?
7 A. No. Not at that time, no.
8 Q. So you began you said yelling at R [REDACTED]
9 A. That's correct.
10 Q. Yelling what?
11 A. I don't remember exactly what I was yelling. I
12 mean, just kind of just bawled her out. I don't remember
13 exactly how -- like how could you say such things, that type
14 of thing. I don't understand what's going on in your mind,
15 that type of -- I yelled at her.
16 Q. Did she give you a response?
17 A. No, she just cried.
18 Q. Did you then leave with R [REDACTED] leave the school?
19 A. Yes.
20 Q. And drove R [REDACTED] home?
21 A. Yes.
22 Q. When you got home, did you discuss the subject any
23 further?
24 A. No. R [REDACTED] took a shower.
25 Q. After she finished taking a shower did you

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1 interrogate her on what Cappabianca was talking about?
2 A. No.
3 Q. Is that the last that was ever discussed about
4 that subject that day, about the accusation that R [REDACTED] was
5 saying such things?
6 A. I don't know how to approach that. I mean, it was
7 something, you know what I mean, I didn't know how to
8 communicate with her. She was upset, obviously I was angry,
9 you know, I didn't know how to approach it.
10 Q. So you let it go?
11 A. Not really let it go. I wouldn't say let it go.
12 I mean, I just sort of talked to my mom.
13 Q. For advice?
14 A. Um-hmm.
15 Q. Did she give you some advice?
16 A. All my mom had to tell me was you need to really
17 just put your arms around her and tell her you love her and
18 everything is going to be okay, you know.
19 Q. By this time you were unaware of the sexual
20 assault that took place near the laundromat?
21 A. No.
22 Q. You were not aware of it, right?
23 A. No, I was not.
24 Q. So as far as you knew that day all Linda
25 Cappabianca was talking about was R [REDACTED] using bad language

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1 in school; am I understanding this correctly?
2 A. That's correct.
3 Q. Was this a new thing to you, R [REDACTED] using language
4 like that?
5 A. Yes.
6 Q. So you were surprised?
7 A. Shocked.
8 Q. Shocked. And you got advice from your mother to
9 give Rachel a little bit of love essentially, right?
10 A. Yes.
11 Q. You did?
12 A. Yeah.
13 Q. Did you gently question R [REDACTED] thereafter as to
14 why she was using language like that?
15 A. She said that everybody just won't leave her
16 alone.
17 Q. R [REDACTED] -- you did follow up with R [REDACTED] and she
18 said people wouldn't leave her alone?
19 A. Um-hmm.
20 Q. Is this before the meeting with Miss Woods on the
21 steps of Strong Vincent on January 9 that R [REDACTED] told you
22 kids wouldn't leave her alone?
23 A. She said -- how can I put this to be truthful. I
24 don't -- she would just -- she told us -- I don't really --
25 I can't remember how it was that she placed herself. She

Page 24

1 said people keep making accusations to her about it.
2 Q. About what?
3 A. She didn't say accusations, but she just said
4 about doing bad things.
5 Q. Did she get specific about the bad things?
6 A. No.
7 Q. She told you this before you met with Janet Woods
8 on January 9 on the front steps of Vincent?
9 A. Trying to remember. Up until the meeting with
10 Miss Woods I didn't know exactly what had happened or what
11 took place. I only new that R [REDACTED] was talking about --
12 Q. Kids were bothering her?
13 A. Yes, and Miss Cappabianca had made a reference
14 that she was sucking dick. But she never made reference to
15 what had happened. She never made reference to what's the
16 cause, I had no clue.
17 Q. The she you're talking about right now is R [REDACTED]
18 right?
19 A. That's correct.
20 Q. And Linda Cappabianca didn't tell you anything
21 either about what --
22 A. No.
23 Q. And this incident occurred sometime in
24 January 2002 before you saw Woods on the front steps of the
25 school on January 9, right?

Page 25

1 A. I think so. It's hard to -- it's so hard to put a
2 time and date.
3 Q. If you're not sure, please tell me.
4 A. I think it was December.
5 Q. Might have been December?
6 A. Might have been, I can't remember.
7 Q. Would it help if we went to the statement you
8 prepared to get a chronology out?
9 A. If that's possible.
10 Q. That's fine. I know it has been a long time.
11 A. It has.
12 Q. I will show what has been marked as Defendant's
13 Exhibit K. First would you identify this document if you
14 can? Can you tell me what that is?
15 A. This is a statement that I had written up in
16 talking with Rachel and got things together as far as
17 understanding what everything happened.
18 Q. When did you prepare this, Mr. P [REDACTED]
19 A. I believe I prepared this, I believe February -- I
20 think it was February. I believe February.
21 Q. February 2005?
22 A. No.
23 Q. February of 2002?
24 A. Yes, I think it was 2002. It's been so long.
25 Q. There's no date on it, I can tell you that. You

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1 can look through it, there is no date on it anywhere. The
2 earliest date I see is on the first page, that's
3 November 27, 2001. Do you see that at the very beginning of
4 the second paragraph?
5 A. Yes.
6 Q. If you go to the -- it seems to be in
7 chronological order, and if you go to the end, the last two
8 paragraphs have 2002 in them, they don't have months or
9 days.
10 A. Right. The reason that was like that was because
11 I wasn't certain as to when the hearing for C [REDACTED] B [REDACTED]
12 and that was going to be, that's why I left that open.
13 MR. OLDS: You prepared it before this; is that
14 what you're saying, you prepared it before those?
15 A. Yeah, because the dates -- I had prepared this in
16 February, but the dates on here for C [REDACTED] hearing wasn't
17 actually set yet.
18 Q. If you look at the second to last paragraph, it
19 says the court date for C [REDACTED] B [REDACTED] on blank 2002. When I
20 use the word blank, I mean there is a space there and no
21 writing, was postponed because at the last minute C [REDACTED]
22 mother filed a waiver to see if C [REDACTED] B [REDACTED] was competent
23 to stand trial, et cetera, et cetera.
24 A. That's correct.
25 Q. So you must have prepared at least some of this

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1 after that date, after the postponement of the hearing?
2 A. I think so, yes.
3 Q. Anyway --
4 A. It's hard to --
5 Q. Some time in 2002, maybe as early as February, you
6 prepared this Exhibit K, right?
7 A. That's correct.
8 Q. And you prepared it based on what sources of
9 information?
10 A. Well, we had -- I had sat down and talked it over
11 with R [REDACTED] and tried to get an idea of what actually
12 happened, you know. And then from there I just sort of put
13 everything together.
14 Q. It looks like, as I go through this, it looks like
15 some of the -- you tell me if I am wrong.
16 A. Um-hmm.
17 Q. Some of the things in here you knew of your own
18 knowledge, but some of the things R [REDACTED] told you about?
19 A. That's correct.
20 Q. Is that a fair statement what I just said?
21 A. Yes.
22 Q. And why did you prepare this?
23 A. Huh?
24 Q. Why did you prepare this Exhibit K?
25 A. Why did I?

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1 Q. Yes.
2 A. Because at the time when I found out about the
3 situation and I looked at the books as far as what it said
4 the procedure order is that it didn't appear to me like they
5 were following order, following procedure order. So I had
6 gotten a hold of an attorney and he said I needed to get it
7 while it's still fresh in my mind, you know, to put things
8 together.
9 Q. You contacted an attorney and that attorney
10 suggested you prepare this?
11 A. Not really suggested, no.
12 Q. He said something that caused you to think it was
13 a good idea?
14 A. Yeah.
15 Q. I don't want to get into your conversation with
16 your attorney.
17 MR. OLDS: It wasn't me.
18 A. It was not him.
19 Q. This was some other attorney besides Mr. Olds?
20 A. That's correct.
21 Q. Nonetheless, it was your attorney. I am not
22 allowed to ask you about your conversation with your
23 attorney so don't volunteer that, please. All right?
24 MR. OLDS: In other words, stuff that you say to
25 your lawyer you don't have to talk about.

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1 A. Okay.
2 Q. I'm not trying to ask you about that. I don't
3 want you to start talking about it on your own, sometimes
4 witnesses do that.
5 A. I'm sorry.
6 MR. OLDS: Don't worry.
7 Q. I'm not accusing you of anything.
8 A. I feel embarrassed because --
9 Q. I am simply telling you that I am not asking what
10 your attorney and you talked about. I don't want to know
11 that because I am not allowed to know about it.
12 MR. OLDS: You do not have to be embarrassed
13 because it's a technical, legal issue that you
14 wouldn't know about unless you had talked to a
15 lawyer. There's nothing to be embarrassed about.
16 You didn't do anything wrong.
17 Q. I'm going to go through this.
18 A. Please do.
19 Q. I don't know -- does R [REDACTED] want to stay here? I
20 don't know if she wants to stay here for this.
21 MR. OLDS: It's up to you if you want to stay.
22 MISS P [REDACTED] Yeah, I'll stay.
23 MR. MARNEN: You're going to stay?
24 Q. I'm not going to spend a lot of time on it. I
25 have done some highlighting on this thing to make it easier

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1 for myself. It looks like after you get by the first two
2 paragraphs, the first paragraph is on the first page it
3 says, this is a verified document, and it says other things.
4 There's a second paragraph that starts off with, in the fall
5 of November of 2001. Do you see that?
6 A. Well, yeah. Hang on, I kind of rambled this thing
7 together.
8 MR. OLDS: In the fall --
9 Q. I want to go to the next paragraph, is my point,
10 the one that begins November 27, 2001.
11 A. Okay.
12 Q. You have set this up it looks like, at least a lot
13 of it, by date in chronological order; is that a fair
14 statement?
15 A. Yes.
16 Q. And that third paragraph on the first page is
17 dated November 27, 2001; you see that?
18 A. Yes.
19 Q. If you turn the page, the next date I see is the
20 next paragraph, November 28, 2001.
21 A. Right.
22 Q. I want to talk about November 27, 2001 right now.
23 A. Okay.
24 Q. I only want to talk about a few things. I don't
25 want to go through all the details here. First of all, is

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1 all the information in this paragraph information you got
2 from R [REDACTED] If you know, maybe you need to read the whole
3 thing to figure that out. I don't mean to force something
4 down your throat. Did you get this information from R [REDACTED]
5 or did someone else tell you what happened?
6 A. No, no, no. I see what you're saying. I got this
7 information from R [REDACTED] We had talked about -- and then --
8 because I had to -- when I actually went down to the police
9 department, you know, I pretty much was given information of
10 what I already probably knew, at least my understanding of
11 what was happening.
12 Q. When you went to the police department, is that
13 the visit to the police department with R [REDACTED] where you
14 talk with Stanley Green?
15 A. That's correct.
16 Q. That was -- wasn't that January 11 --
17 A. 11th.
18 Q. -- 2001?
19 A. Not 2001.
20 Q. My mistake, 2002.
21 A. That's correct.
22 Q. So did you know all the things in this paragraph
23 before you went down to Stanley Green that morning?
24 A. No.
25 Q. Did you learn any of it at the meeting with

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A000000311

1 Stanley Green?
2 A. No. All I knew when I went down to see Stanley
3 Green was Miss Woods had a meeting with me.
4 Q. Right.
5 A. She began to -- and she said, are you ready for
6 this, and then she said what she had told me. And I asked
7 her if there had been any police involvement at that point
8 and she said no, there's no police involvement at this time.
9 And then R [REDACTED] -- at this point R [REDACTED] - she says, well,
10 why don't you tell us your side of the story, R [REDACTED]
11 because she called her R [REDACTED] And [REDACTED] began to say what
12 had happened and that's when I learned about what happened
13 on November 27th.
14 Q. In the meeting with Janet Woods you found out what
15 happened on the 27th?
16 A. Right.
17 Q. That's the first time you found out?
18 A. That's the first time I found out about that.
19 Q. All this detail here on Exhibit K that relates to
20 November 27, 2001, you didn't find that out when you met
21 with Janet Woods, did you?
22 A. When R [REDACTED] had told -- not in 100 percent great
23 detail. After I had sat down and talked to R [REDACTED] and she
24 went into more detail as far as what B [REDACTED] C [REDACTED] had done
25 and that.

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1 Q. You met with Janet Woods in the morning of
2 January 10th, didn't you?
3 A. Yes.
4 Q. 2002?
5 A. Yes.
6 Q. You then went home, you and R [REDACTED]
7 A. Yes.
8 Q. Did you then get all this detail out of R [REDACTED]
9 after you went home?
10 A. No, no, not after I went home.
11 Q. The following day you met with Stanley Green at
12 the police department?
13 A. That's correct.
14 Q. January 11th?
15 A. Well, I met with him because I went down to pick
16 up my paycheck and I wanted to actually talk to Sergeant
17 Bowers.
18 Q. Is that your crossing guard paycheck?
19 A. Yes.
20 Q. Why did you want to talk to Sergeant Bowers?
21 A. Because I like him, I trusted him.
22 Q. Was he the head of traffic?
23 A. Yes.
24 Q. That's how you knew him?
25 A. Yes.

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1 Q. You couldn't find Bowers so someone sent you to
2 see Green because he was in juvenile?
3 A. That's correct.
4 Q. Before you went to see Green did you get all of
5 this detail out of R [REDACTED]?
6 A. No.
7 Q. Did you get all the detail out of R [REDACTED] after the
8 meeting with Green?
9 A. Yes.
10 Q. As I read this first paragraph that relates to
11 November 27 --
12 A. Um-hmm.
13 Q. There seems to be, to me, to be a description of
14 sexual contact with C [REDACTED] B [REDACTED] A [REDACTED] K [REDACTED] and
15 A [REDACTED] or A [REDACTED] G [REDACTED] F [REDACTED]
16 A. That was my understanding, yes.
17 Q. There were three boys involved, right?
18 A. Yes. There was an actual fourth person but they
19 really didn't -- was unable to get that person because of a
20 lack of a name, and I believe they didn't really know who --
21 I think he was an adult, that was really unclear.
22 Q. You think there was a fourth person involved?
23 A. I believe there was. They were trying to get a
24 name out of C [REDACTED] B [REDACTED] for somebody else but were unable
25 to. I'm not really sure 100 percent.

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1 Q. I know -- and I'm just trying to shorten this up.
2 I know that A [REDACTED] K [REDACTED] was prosecuted for what he did,
3 right?
4 A. That's correct, yes.
5 Q. C [REDACTED] B [REDACTED] was prosecuted for what he did?
6 A. That's also correct.
7 Q. And B [REDACTED] C [REDACTED] was prosecuted for what she
8 did?
9 A. That's correct.
10 Q. But A [REDACTED] F [REDACTED] was not prosecuted, right?
11 A. That was my understanding. I think that he might
12 have been the person that they really couldn't either prove
13 or disapprove. I don't remember exactly how that went.
14 Q. He is accused in here of compelling or coercing --
15 my interpretation -- coercing R [REDACTED] to perform oral sex on
16 him.
17 A. That's correct.
18 Q. And R [REDACTED] was a witness to that certainly, right?
19 A. Yes.
20 Q. Do you know why A [REDACTED] G [REDACTED] F [REDACTED] was
21 not prosecuted?
22 A. I don't know. To be honest with you I really
23 don't know.
24 Q. Did you ever complain about that to anybody?
25 A. No, not to the police department, no.

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1 Q. Okay. Then if we go on in this, in this Exhibit
2 K, the very next paragraph is dated November 28th; do you
3 see that?
4 A. Yes.
5 Q. November 28, 2001, right?
6 A. Yes.
7 Q. Before I do that, do you know, did you talk with
8 Rachel about the day in which it occurred trying to nail
9 down what date this occurred on?
10 A. I didn't actually talk to her. She had said that
11 Miss Woods -- she said there were two incidents. And she
12 told her there was one right after Thanksgiving break and
13 then she said -- and she had told about the second incident.
14 Q. When was the second one?
15 A. Right offhand I can't remember, that's why I wrote
16 most of this stuff down so I wouldn't -- so I knew the
17 information would be there.
18 Q. That is a copy of Exhibit J, that is the police
19 report.
20 A. Okay.
21 Q. If you turn to Page PO6.
22 A. 206?
23 Q. PO, PO6, if you look at the second paragraph.
24 A. Okay.
25 Q. Mr. Polancy --

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1 MR. OLDS: Where it says R [REDACTED] related to.
2 Q. Yes, Rachel related to Miss Cappabianca. If you
3 read through that you will see an incident about a water
4 fountain and about a stairwell.
5 A. Yes.
6 Q. Is that one of the incidents we are talking about?
7 A. I don't think so. I think -- it was my
8 recollection that there was another incident at the
9 laundromat. I am not sure exactly.
10 Q. Another sexual assault you mean?
11 A. That was my understanding.
12 Q. If you move on in that next paragraph on the same
13 page on the police report, does that sound like the other
14 incident?
15 A. Yeah. And this is what I meant about the unknown
16 person that I mentioned earlier.
17 Q. Okay.
18 A. That's why I thought there were four.
19 Q. So the unknown person was at the second incident,
20 not the first incident?
21 A. That was my understanding.
22 Q. Okay. I understand now. The second incident
23 involved, it was of a sexual nature, but R [REDACTED] was not
24 raped that day, was she?
25 A. Second?

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1 Q. The second time.
2 A. This one up here?
3 Q. Yes.
4 A. Right, she was not.
5 Q. But the first time she was raped?
6 A. Yes.
7 Q. I was talking about the rape. There was nobody
8 unknown involved in the rape?
9 MR. OLDS: The first time.
10 Q. The first time.
11 A. The first time, I don't believe so. Again, I am
12 going by -- I am going by information pieced from here as
13 far as what my daughter said and what I had compiled with
14 the police department.
15 Q. Do you know whether R [REDACTED] told you that this
16 second incident, the one that is described in this police
17 report, happened on January 7, 2002 or some other day?
18 A. I don't know, I honestly don't know.
19 Q. That's only two days before you met with Jan Woods
20 on the steps at Vincent.
21 A. As I mentioned before, though, the only times that
22 I knew anything had actually really physically occurred was
23 on the day of the meeting with Miss Woods, and that was when
24 Rachel had gave -- had told Miss Woods about the -- told the
25 story about what happened.

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1 Q. If you to go to the second page of Exhibit K, the
2 entry on November 28, 2001.
3 A. Yes.
4 Q. Is that information information that R [REDACTED] gave
5 you?
6 A. Yeah.
7 Q. The two people that at least are mentioned there
8 by name are Rachel and Linda Cappabianca?
9 A. That's correct.
10 Q. Did Linda Cappabianca ever say to you that that
11 was true what you have there?
12 A. I had not spoken with Miss Cappabianca up until
13 when she called me on the phone and made a mistake on the
14 date, it was November 30th because that's why it was so
15 close to December. That's when she told me that, you know,
16 Rachel was a very dirty little girl.
17 Q. I'll remind you that earlier you said it was in
18 January '02.
19 A. It was not in January of '02.
20 Q. It was November 30, 2001?
21 A. I stand corrected. That's correct.
22 Q. Okay. Your memory has been revived by looking at
23 Exhibit K, this document?
24 A. Yes, it helps.
25 Q. During that November 30, 2002 meeting -- or 2001

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1 meeting with Linda Cappabianca, did you discuss with Linda
2 Cappabianca the issue of whether students were bothering
3 R [REDACTED]
4 A. No, because I had no reason. As far as I was
5 concerned R [REDACTED] had always been a really good person as far
6 as being a really well behaved child, and she was always
7 well liked in school, that never come across to me.
8 Q. Let me point out to you that the third paragraph,
9 second page of Exhibit K, the fourth line down.
10 A. Um-hmm.
11 Q. I said, what do you think needs to be done. And
12 she said, well, she is a very dirty little girl. And I told
13 R [REDACTED] that if people are picking on you, R [REDACTED] needs to
14 suck it up and ignore it.
15 A. That's correct.
16 Q. Did you discuss with Cappabianca on November 30,
17 2001 students picking on R [REDACTED]
18 A. Well, not really discussed it but she said, I told
19 R [REDACTED] and she went (verbal noise), suck it up and ignore it
20 and that's how she expressed it.
21 Q. At any time prior to November 30, 2001 did R [REDACTED]
22 ever tell you the kids were picking on her?
23 A. No.
24 Q. This is the first time you ever heard that?
25 A. Yes.

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1 Q. Did you ask R [REDACTED] what Cappabianca was talking
2 about?
3 A. Trying to think. I just bawled her out, I mean --
4 Q. You bawled her out for using the dirty language?
5 A. Yes, because it was not in her context nature.
6 She just wasn't like that. We didn't practice any kind of
7 bad language in our home, so it was really out of her nature
8 to be like that.
9 Q. If you move on in that November 30, 2001 entry,
10 right after the entry, suck it up, ignore it; do you see
11 that right there?
12 A. Yes.
13 Q. It says R [REDACTED] was given four days P.A.S.S. On
14 the fourth day she was sent home because everyone was
15 harassing her about sucking dicks and asking to fuck her.
16 A. That's correct.
17 Q. R [REDACTED] was feeling very overwhelmed. She got
18 really mad and left, this would be approximately December 7,
19 2001, right?
20 A. Yeah.
21 Q. Did R [REDACTED] tell you that, that everyone was
22 harassing her about sucking dicks and asking her to fuck her
23 on December 7, 2001?
24 A. Yes, yes.
25 Q. When R [REDACTED] told you that, did you contact anybody

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1 at the school?
2 A. No.
3 Q. Why not?
4 A. Because I felt they would have been aware of it
5 already. Every time R [REDACTED] would go back it didn't seem
6 like anything was getting done. In my opinion, I think the
7 Strong Vincent kids were kind of ruly (sic).
8 Q. I'm sorry?
9 A. They were unruly, they weren't very nice.
10 Q. Well, when you found out about kids doing this and
11 saying this to her, you didn't call up anybody at the school
12 to complain about their doing nothing about it?
13 A. I don't recall ever doing it, no.
14 Q. Did R [REDACTED] say she had told Linda Cappabianca
15 about that?
16 A. She said she tried several times and she was
17 always cutoff.
18 MR. OLDS: Can I -- I want to make this -- clarify
19 this a little bit. Because I don't know if
20 he's -- and it's your deposition -- but I don't
21 know whether he's talking about conversations that
22 he had with R [REDACTED] in December 2001 or
23 conversations that he had later.
24 MR. MARNEN: Your point is well taken, I don't
25 know that either.

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1 MR. OLDS: I think you should clarify that because
2 it is not clear.
3 Q. Okay. I am trying to focus on November 30, 2001,
4 you may be moving ahead. I don't know.
5 A. Okay.
6 Q. Let's focus on November 30 -- actually between
7 November 30, 2001 and December 7, 2001. First week in
8 December 2001.
9 MR. OLDS: He wants to know what R [REDACTED] told you
10 that week. What you knew that week as opposed to
11 what you learned about it later on and then wrote
12 what happened that week.
13 A. R [REDACTED] said people had been picking on her,
14 harassing her. And I told her, look, I said, at the time I
15 didn't know the heavy extent of what was going on because, I
16 mean -- I told her if you just let things go people will
17 stop. I said, but if you really feel strongly about it, you
18 need to go back and tell the proper people, like the
19 principal, vice principal.
20 Q. Did you know in the first week of December of 2001
21 that kids were saying to R [REDACTED] they wanted her to suck
22 their dicks and they wanted to fuck her?
23 A. Not at that time, no.
24 Q. When did you first learn that?
25 A. I learned about that after I had sat down with

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1 R [REDACTED] and did a heart-to-heart-to-heart with her.
2 Q. Was this after the meeting with Janet Woods on
3 January 10?
4 A. Yes. And we went back, it was -- I mean I wanted
5 to find out as much information as I could to better
6 understand the situation.
7 Q. Did you know -- before the meeting with Janet
8 Woods on January 10, 2001 did you know R [REDACTED] was being
9 harassed at all by anybody?
10 A. I knew that she was being picked on, but, I mean,
11 she would kind of like throw subtle hint questions, you
12 know. Like what would you do -- like in a hypothetical she
13 would say, what would you do, dad, if this or this or this
14 happened, that type of thing. I told her what I would do.
15 If someone was picking on me or someone was bullying me,
16 that type of thing, I would either try to avoid the
17 situation or I would go, if it got too much for me to
18 handle, I would tell a teacher or someone that has some kind
19 of authority. She never really made it very clear to me as
20 to what exactly what was going on.
21 Q. Did you think she was talking about R [REDACTED]
22 A. Pardon me?
23 Q. Did you think she was talking about kids hassling
24 her?
25 A. You mean Miss Cappabianca?

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1 Q. No, R [REDACTED] -
2 MR. OLDS: R [REDACTED] hypotheticals.
3 A. I couldn't, you know, how do you explain this.
4 R [REDACTED] would drop hints, but it wouldn't be anything that I
5 would, you know, sort of take as an intent. You know, as I
6 said, when R [REDACTED] used hypotheticals I thought maybe perhaps
7 she was talking about -- maybe she might have even been
8 talking about a friend. She really didn't make it clear.
9 Q. You didn't know she might have been talking -- you
10 didn't know she was talking about herself?
11 A. No.
12 Q. Incidentally, in the November 27 entry there where
13 the assailants were identified by name one of the names in
14 there is, T-O-N-E.
15 A. Let me look it up.
16 Q. Well, one, two, three, four, five, six lines from
17 the bottom of the first paragraph on Page 2.
18 MR. OLDS: He's on the next page. And he's right
19 where it says Tone.
20 A. Tone.
21 Q. Is it Tone, not Toni, right, but Tone?
22 A. Tone.
23 Q. Do you understand that to be A [REDACTED] G [REDACTED]
24 F [REDACTED]
25 A. Yes.

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1 Q. January 9, 2002 you ran into Cappabianca and Woods
2 on the front steps of Vincent; is that a fair statement?
3 A. We met on the steps.
4 Q. You were picking up R [REDACTED] from P.A.S.S.?
5 A. That's correct, yes.
6 Q. And was it dark out when you saw them there?
7 A. Yes.
8 Q. Was it your custom to pick up R [REDACTED] from P.A.S.S.
9 when she was in P.A.S.S.?
10 A. Yes.
11 Q. So, Mr. P [REDACTED] you drove to Strong Vincent on
12 the afternoon of January 9th, 2002, it was dark out, to pick
13 up Rachel who had be in P.A.S.S. that day?
14 A. Yes.
15 Q. And before you got R [REDACTED] in the car you ran into
16 Janet Woods and Linda Cappabianca on the front steps?
17 A. Yes.
18 Q. Did they say anything that led you to believe they
19 were waiting for you?
20 A. Unh-unh -- no.
21 Q. Do you have any idea why they were standing on the
22 front steps at 6:30 at night in the dark?
23 A. No.
24 Q. But this is the first time you met both of them?
25 A. At the same time, yes.

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1 Q. They introduced themselves, told you they would
2 like to see you the next day?
3 A. Yes.
4 Q. Did they tell you why they wanted to talk to you?
5 A. No, they just said we need to talk.
6 Q. That's it, and you said I can do that?
7 A. Well, they asked if I could come in at 8:30. I
8 told them that would not be -- I couldn't come in at 8:30,
9 but probably right around 9:00, I believe it was.
10 Q. You did, in fact, meet with them the next day?
11 A. Yes, I think it was 9:30, quarter to 10:00.
12 Q. Where did that meeting take place?
13 A. Some little office. I can't remember.
14 Q. Was it in the administrative offices?
15 A. What do you mean?
16 Q. The front office where --
17 A. No. It was some office. I can't remember. It
18 wasn't very big.
19 Q. As you walk in the front door which direction did
20 you walk to get there?
21 A. I walked into the -- off to the left, I think it
22 was. I asked for Miss Woods, and then we went down into
23 another little place.
24 Q. Did you walk down to the other little place with
25 Ms. Woods?

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1 A. Pardon?
2 Q. Did Miss Woods walk with you to the other place?
3 A. Yes.
4 Q. If I understand you correctly, you went in the
5 front door of the high school, and you walked into the main
6 office, met Woods and the two of you went to the other
7 office?
8 A. Yes.
9 Q. And that was down the opposite direction, down the
10 hall in the front of the building?
11 A. I can't remember what direction it was.
12 Q. When you got there, and you went into the room --
13 A. Yes.
14 Q. -- the two of you, was anybody there besides you
15 and Jan Woods?
16 A. She introduced me to Chris Rule.
17 Q. Chris Rule was here today so you know who Chris
18 Rule is?
19 A. Yes.
20 Q. That was the guy. Chris Rule was there that day?
21 A. Yes.
22 Q. You and Jan Woods and Chris Rule, anybody else?
23 A. Another lady I can't remember who she was.
24 Q. Was it Linda Cappabianca?
25 A. No.

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1 Q. How long did you meet?
2 A. Miss Woods?
3 Q. Yes.
4 A. I'm not sure how long it was. I know -- I'm not
5 sure the exact time span we were there.
6 Q. Was R [REDACTED] with you?
7 A. Yes. Well, they brought her down.
8 Q. Oh, I see. You were escorted into the room by
9 Miss Woods and then R [REDACTED] was brought down from her
10 classroom to meet?
11 A. Yes.
12 Q. And I think Exhibit K talks about that meeting,
13 does it not?
14 A. Yes, it should.
15 Q. The third page, last paragraph, do you see that?
16 A. Yes.
17 Q. In there you talk about some other counselor whose
18 name I am not sure of.
19 A. Yeah, that was a female.
20 Q. Female. Why don't you take a look at that and
21 read that paragraph to yourself. I just want you to get
22 your memory fresh and then I would like to talk about what
23 you said in that meeting.
24 (Brief pause.)
25 A. Okay.

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1 Q. Maybe you've described everything that happened in
2 that paragraph, but maybe you haven't. I just want to find
3 out if that is everything. Who spoke first as the meeting
4 began, was it Miss Woods?
5 A. Yeah.
6 Q. What did she say as best you remember?
7 A. Um, as best I remember she just kind of sat down
8 and kind of put herself like this (indicating), and she
9 said, are you ready for this. And that is how the
10 conversation got started.
11 Q. Well, the last paragraph in the third page of
12 Exhibit K says Miss Woods said, are you ready for this?
13 Rachel has been sucking boys' dicks.
14 A. Yes.
15 Q. Is that what she said?
16 A. Yes.
17 Q. Is that a quote?
18 A. Yes.
19 Q. Then it goes on to say, tell R [REDACTED] -- tell us all
20 what happened. I'm not sure what you mean there.
21 A. It's a type error.
22 Q. A typographical error?
23 A. Yes.
24 Q. Woods then said, R [REDACTED] -- she said R [REDACTED]'s been
25 sucking boys' dicks, and she turned to R [REDACTED] and said, tell

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1 us what happened. Is that what --
2 A. Yes.
3 Q. And then what did R [REDACTED] say?
4 A. Rachel started telling her story and in the course
5 of telling her story she told her, well, you already knew
6 this has already happened before. I kind of --
7 MR. OLDS: I didn't understand. I was the only
8 one that didn't hear, go ahead.
9 A. Rachel, in the course of telling what she had -- I
10 guess it would be Mr. Rule and myself -- what had happened
11 in her own words and she said, I don't know -- she said
12 something about she didn't understand why she had to retell
13 it because she already knew what had happened before.
14 Q. She said Woods already knew?
15 A. No, she said you already knew.
16 Q. "You" generally meaning -- did you know what
17 Rachel meant by that?
18 A. I assumed she meant Miss Woods.
19 Q. Now you know what?
20 A. I know that what she meant was she had talked to
21 Miss Cappabianca prior to that.
22 Q. So Rachel said, why should I be talking about this
23 you already know about this. What did Woods say, anything?
24 A. Not really. She asked R [REDACTED] if she wanted to get
25 a drink of water because she started crying.

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1 Q. Did R [REDACTED] get a drink of water?
2 A. Yes, they went up to get a drink of water.
3 Q. Any conversation after R [REDACTED] walked out of the
4 room to get water?
5 A. Yes.
6 Q. Who walked out, Miss Woods and R [REDACTED]
7 A. Yes.
8 Q. And that left you and Chris Rule and the counselor
9 there?
10 A. Yes. The counsel she didn't stay in the room or
11 the office. She didn't stay there for very long.
12 Q. You and Chris Rule were alone?
13 A. Yes.
14 Q. What conversation, if any, took place between the
15 two of you?
16 A. He gave me kind of a casual smile. He said, you
17 know, kids give blow jobs like adults give handshakes these
18 days. It's really nothing to think about. I'm like, not my
19 daughter.
20 Q. Is that a quote?
21 A. Yes.
22 Q. Did you say to him, not my daughter?
23 A. Yes, I did.
24 Q. What did he say?
25 A. He told me I just needed to relax and let things

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1 take its course. He said everything will workout.
2 Q. Okay. Was that it between you and Rule?
3 A. Yeah.
4 Q. Did Woods and R [REDACTED] come back?
5 A. Yeah.
6 Q. What happened then?
7 A. Well, R [REDACTED] refused to talk about it at any
8 further length. She didn't want to say anything more. I
9 asked Miss Woods, well, have you gone to the police about
10 it. And she had said, no, that there was no police
11 involvement at this time. And I asked her should I go to
12 the media or something. I wasn't sure what to do and she
13 told me basically to keep my mouth shut.
14 Q. Why did you suggest the possibility of going to
15 the media?
16 A. Looking back on that I just thought some kind of
17 outlet. I was angry.
18 Q. You wanted the media to know your daughter's been
19 raped?
20 A. No, not that, no. I just wanted -- I just
21 wanted -- maybe looking back on it I was just so angry.
22 Q. Were you angry in that meeting?
23 A. I was irritated.
24 Q. What were you angry about?
25 A. I was angry at a lot of things.

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1 Q. Were you angry at Miss Woods?
2 A. Yeah, I was.
3 Q. Why were you angry at her?
4 A. Because I felt that she probably had some
5 knowledge of it.
6 Q. You thought she had probably had some knowledge of
7 it?
8 A. Of the incident.
9 Q. Did she tell you she did?
10 A. No. But her response was to me, are you ready for
11 this, and then she said R [REDACTED] has been sucking dicks.
12 Q. Was anything said in that meeting about changing
13 Rachel's school placement?
14 A. Yes. She had said R [REDACTED] would not be finishing
15 school here that she'd be going to Sarah Reed.
16 Q. Did Woods bring that subject up or did you bring
17 it up?
18 A. No, I did not bring it up.
19 Q. You didn't ask Miss Woods if R [REDACTED] placement
20 could be changed?
21 A. No.
22 Q. Miss Woods then just announced to you that
23 R [REDACTED] placement would be changed to Sarah Reed?
24 A. Would be changed, and that she would be going to
25 Sarah Reed.

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1 Q. What did you say in response to that?
2 A. I asked her why. I mean, because Sarah Reed, in
3 my opinion, was for kids with mental disturbances. My
4 daughter's not mentally disturbed, at least she wasn't.
5 Q. Did you tell Miss Woods you objected to Rachel
6 being placed at Sarah Reed?
7 A. No.
8 Q. Why did you not object then?
9 A. At that point?
10 Q. Yes.
11 A. At that time I just wanted time to think about
12 things and get thing together, my thoughts together.
13 Q. Did you ever object to the placement at Sarah
14 Reed?
15 A. At one point, yes, I did.
16 Q. When did that happen?
17 A. When Mr. Rogers came over.
18 Q. That was when R [REDACTED] was in home school?
19 A. She was being tutored, or supposed to be tutored.
20 Q. When did her home schooling begin, do you
21 remember?
22 A. I don't. It was sometime in January, but I don't
23 remember the exact.
24 Q. We don't need to go over exact dates, I guess.
25 That was about a week, wasn't it, four or five days?

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1 A. Yes, it was a very short period of time.
2 Q. R [REDACTED] never went back to school, did she, after
3 the meeting with Woods?
4 A. No, she did not.
5 Q. She went right from Strong Vincent --
6 A. To Sarah Reed.
7 Q. Let me see if I can shorten this up a little bit.
8 As I understand it, you tell me if I'm wrong, you took
9 R [REDACTED] home that day and Rachel was never in Strong Vincent
10 again during seventh grade?
11 A. During seventh grade, no.
12 Q. Is that right?
13 A. That's correct.
14 Q. The next place she went to get school was at home
15 for about a week?
16 A. That's correct.
17 Q. Then after that it was Sarah Reed for a couple
18 months?
19 A. That's correct.
20 Q. Until the school ended that year?
21 A. That's correct.
22 Q. At some point, however, you objected to R [REDACTED]
23 going to Sarah Reed?
24 A. I voiced my opinion.
25 Q. I'm sorry, I interrupted you. I'm trying to move

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1 quickly and I was rude. You voiced your opinion to whom?
2 A. To Mr. Rogers, I said I don't understand why she
3 has to go there.
4 Q. Mr. Rogers was the home school guy?
5 A. He was the home school teacher, tutor.
6 Q. Home school tutor?
7 A. Yes.
8 Q. So while Mr. Rogers was in there one day you said
9 to him, I don't know why she has to go there?
10 A. Yes, I did tell him that.
11 Q. Did you go further than that? What else did you
12 say, if anything?
13 A. No. His visits were extremely short, they didn't
14 last very long.
15 Q. Did he respond to that?
16 A. He said he is -- he said he was not aware of the
17 incident and not he's not at liberty to discuss it either.
18 Q. Was there an IEP meeting concerning R [REDACTED]
19 placement at Sarah Reed?
20 A. We had a meeting in Sarah Reed, but there wasn't
21 an IEP prior to that that I remember of.
22 Q. That was an intake meeting for Sarah Reed?
23 A. I think that was on January 25 -- yes.
24 Q. R [REDACTED] had an IEP, did she not?
25 A. She had a prior IEP, yes.

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1 Q. Right. And wasn't that amended to get her into
2 Sarah Reed?
3 A. That I don't know.
4 Q. Did you ever in objecting to the Sarah Reed
5 placement ever voice that objection in any way besides
6 telling Mr. Rogers you had a problem with it?
7 A. What do you mean, like to other people?
8 Q. Yes, to other people or did you write a letter or
9 did you tell anybody on the telephone or any way?
10 A. I told the people when she got into Sarah Reed, I
11 told these people I don't understand why. I said, she's
12 here because Miss Woods said she's going here for her
13 safety. I said, I don't understand why my child is being
14 placed here when the people that did this are still in the
15 school.
16 Q. You said this to the Sarah Reed people?
17 A. Yes, I did.
18 Q. Was this during the intake?
19 A. I think it was. I think it was not really at the
20 intake, but there was one of the meetings that we had there.
21 In the beginning R [REDACTED] was not very cooperative with Sarah
22 Reed.
23 Q. Have you in the past, not this change of
24 placement, but have you before that ever participated in an
25 IEP team meeting regarding R [REDACTED]

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1 A. Just about every school year she's had.
2 Q. You were invited, weren't you, as a parent?
3 A. Yes.
4 Q. So you had gone to IEP team meetings before
5 January of '02 concerning R [REDACTED]
6 A. Yeah, I believe so.
7 Q. Each time there was a placement or an IEP that was
8 prepared regarding R [REDACTED] did you sign off on that saying
9 you consented to it?
10 A. I never signed off. I don't believe I signed off
11 on anything for her to go to Sarah Reed.
12 Q. I don't mean that, I mean before Sarah Reed.
13 A. I am lost.
14 Q. Over the years there were IEP's concerning R [REDACTED]
15 were there not?
16 A. Yes.
17 Q. And each time you had a new IEP you were asked to
18 sign on it to consent to it, were you not?
19 A. Yes.
20 Q. And in the past you personally had signed your
21 consent to IEP's that R [REDACTED] had?
22 A. Correct.
23 Q. This time, this change of placement to Sarah Reed,
24 you're telling me you don't remember there being any consent
25 form given to you to consent or not consent to that

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1 placement?
2 A. No.
3 Q. You don't remember?
4 A. I don't remember. Because -- well, go ahead.
5 Q. Okay. Did you in the past ever object to an IEP
6 that was formulated for R [REDACTED]
7 A. Object to it?
8 Q. Yes.
9 A. Not before, no.
10 Q. Did you understand there was a formal procedure
11 for objecting to an IEP concerning your child?
12 A. I think it's something like a -- it was my
13 understanding it was some kind of -- I don't want to say
14 hearing.
15 Q. Due process?
16 A. Pardon me?
17 Q. A due process hearing?
18 A. I think that's what it was called.
19 Q. You were aware of that process?
20 A. Yes. Well, I am not really fully aware of it
21 because I never went through it before.
22 Q. Right. Did you know, though, that if you objected
23 to an IEP you would end up with a due process hearing?
24 A. It wasn't fully explained to me that way, but I am
25 assuming that that's probably correct.

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1 Q. If I understand you correctly, you did not ask for
2 a due process hearing concerning R [REDACTED] placement at Sarah
3 Reed in 2002?
4 A. That's correct, I did not.
5 Q. Did Miss Woods explain to you what she meant by
6 getting R [REDACTED] into Sarah Reed for her own safety?
7 A. Well, yeah. She said because -- she said that
8 B [REDACTED] was -- and she used a paraphrase, B [REDACTED] one bad
9 little mother. She's just bad. She's a very bad kid. And
10 she said C [REDACTED] B [REDACTED] has a long history of being bad too.
11 And she said given the fact of what happened to her, she
12 said, I think we need to remove her for her safety.
13 Q. Did Miss Woods says anything about R [REDACTED] going to
14 Sarah Reed so she could receive more treatment than she
15 could receive at Strong Vincent?
16 A. No. She didn't put it that way, no.
17 Q. Did Miss Woods tell you that anybody besides
18 Charles Bibbs and B [REDACTED] C [REDACTED] were bothering R [REDACTED]?
19 A. She said there was another person, and I believe
20 she used his name, A [REDACTED] F [REDACTED] is the way she put it.
21 I understood his name was Tone because that's what R [REDACTED]
22 had called him.
23 Q. I am trying to distinguish now between the rape,
24 and that's what it was was a rape.
25 A. Yes, it was.

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1 Q. I am trying to distinguish between the rape and
2 any harassment that happened after the rape. Okay?
3 A. Okay.
4 Q. Anybody to your knowledge harassing R [REDACTED] after
5 the rape besides C [REDACTED] B [REDACTED] and F [REDACTED]?
6 A. I personally saw an individual at the meeting. I
7 can't remember the exact significance. I think we were
8 going down to the cafeteria. Mr. Rule asked us if we were
9 hungry. I am always willing to take a little break to eat
10 if someone offers it to me. I said, okay, and we went down
11 there. It was me, R [REDACTED] and Chris Rule and we walked down
12 to the cafeteria. He had gotten us a free meal ticket so we
13 could get something to eat. Before we got into the
14 cafeteria, I don't know who the kid was, it was a black male
15 and he walked up and said something kind of nasty to R [REDACTED]
16 but I couldn't make out what he was saying. It was kind of
17 like, you know, snap attitude type. He smacked her on the
18 hind end. And he did it right in front of me and he did it
19 in front of Chris Rule.
20 I said to Chris -- or Mr. Rule, I said, are you
21 going to say anything to this kid because this is why you
22 have a problem. And he said, oh, see me after school. The
23 kid's like yeah, yeah, yeah, and blew him off. He didn't
24 get the kid's name, he didn't -- and so we -- he said, I got
25 to go and talk to someone, I will be right back. We sat and

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1 we ate and I couldn't make out what people were saying, but
2 I could tell they were saying something derogatory in our
3 direction.
4 And then Chris Rule had come back and said we are
5 not going to continue on with the meeting upstairs, we are
6 done for the day and you can take R [REDACTED] home with you. And
7 that's when I took her home. I met with Miss Cappabianca in
8 the hallway, and I said that we were going -- that R [REDACTED]
9 was going to be referred to Sarah Reed for her safety. So I
10 witnessed people harassing her even when I was there. They
11 were blatant.
12 Q. Did anything happen that day besides the two
13 incidents you mentioned, the talking in the cafeteria and
14 the student touching her and saying something to her?
15 A. That day?
16 Q. Yes.
17 A. No, not that I remember.
18 Q. Are you aware of any other harassing of R [REDACTED] at
19 Strong Vincent after the rape besides what you saw that day
20 and besides the two instances that are recounted in the
21 police report, the water fountain thing and the incident
22 over there at the laundromat?
23 A. I know now. I know now that there were other
24 instances as far as like people wanted her to -- make
25 derogatory statements to her about giving head. And at one

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1 point she got really mad in a classroom. I'm not sure which
2 classroom it was, but she used profanity and she was sent
3 down, I believe -- I think it was Miss Cap's office and she
4 was given P.A.S.S. for the profanity. I mean it was from
5 when she -- I'll be jumping ahead of myself if I say that,
6 though.

7 There was an incident when she had went back to
8 Strong Vincent in the eighth grade year. She was arrested
9 for the assault on the police officer for hitting him with
10 the handcuffs. The officer told me that she was very well
11 behaved up until she got by the auditorium where he said a
12 group of black individuals had made some sexual comments to
13 her, and that's when she lost it. He said, I don't think
14 she would have gotten out of control if those black kids
15 hadn't made the comments that they made to her.

16 Q. What was the name of that police officer?

17 A. I don't know. He was the one that worked at the
18 school at the office. I can't remember his name.

19 Q. There were two there.

20 A. Pardon me?

21 Q. There were two there, I'll throw out the names.
22 Slupski and Love -- Slupski and Love?

23 A. Slupski sounds --

24 Q. Slupski is white and Love is black.

25 A. The white one, yeah. What happened was, and I

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1 didn't want to sound rude and arrogant, but I said, look --
2 because he was reluctant to press charges against R [REDACTED] for
3 throwing the handcuffs at her (sic). I said, look, if we
4 don't do something with her now, because she's so off
5 balance, she needs to be taken care of where she gets some
6 kind of psychiatric help. I said, I can't get her involved
7 with these types of therapies unless I get some kind of
8 help. And with that I said, look, if you have to press
9 charges against her, do so, but we can get her some help
10 that way and that's what happened.

11 Q. When Janet Woods told you on January 10, 2001 that
12 R [REDACTED] needed to get out of Strong Vincent for her own
13 safety, did she only mention threats from B [REDACTED] C [REDACTED] and
14 C [REDACTED] B [REDACTED] or did she mention threats from other people
15 too?

16 A. No. She only mentioned the assailants.

17 Q. So your understanding was the safety issue related
18 to B [REDACTED] C [REDACTED] and C [REDACTED] B [REDACTED]

19 A. That was my understanding, yes, that's my
20 understanding.

21 Q. On your way out of that meeting -- well, I'm
22 sorry. Chris Rule took you downstairs to the cafeteria to
23 have some food?

24 A. Yes.

25 Q. Did you run into Cappabianca on the way out of the

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1 building?

2 A. No. I ran into her, if I remember correctly, I
3 think maybe it might have been on our way out of the
4 building. I can't remember exactly when.

5 Q. That meeting is mentioned I gather --

6 A. It was mentioned, but I can't remember the exact
7 time.

8 Q. If you look at Exhibit K, it's on the fourth page,
9 first paragraph.

10 A. Okay. Which paragraph?

11 Q. First paragraph of the fourth page.

12 A. Okay.

13 Q. Is that it?

14 A. Yeah, that's what I'm talking about right there.

15 Q. You're essentially saying in there that

16 Cappabianca admitted to you that she knew about the rape,
17 she knew about the allegations of rape but did nothing about
18 them because it wasn't verified; is that basically it?

19 A. That's correct. She had said she didn't -- there
20 was no proof it ever existed or happened, it was just
21 basically one word of a child. But I was always taught,
22 even when I worked at DBC, if someone reports any kind of
23 sexual assault or any kind of allegation it's to be
24 investigated.

25 Q. Did Miss Cappabianca tell you when she first

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1 became aware of the allegation that R [REDACTED] had been raped?

2 A. Did she tell me exactly what -- she said she had
3 known about it for quite some time.

4 Q. Is that what she told you?

5 A. She said she knew about it for a while.

6 Q. What words did she use as best you remember?

7 A. Best I remember?

8 Q. Yes.

9 A. I will make sure I say it correctly. She said she
10 has known about this. If I remember correctly, it's been so
11 long, she's known about this for a while. That's all I can
12 remember, I can't quite remember.

13 Q. Let me just follow up a little bit. Did she say
14 whether she had known about it since before Christmas or
15 after Christmas?

16 A. Well, she said she'd known about it since early
17 onset.

18 Q. Early on?

19 A. Like I assume that means from November. She's
20 known about it -- she said R [REDACTED] had come to her and would
21 tell her about situations, but at that time she didn't
22 really go into detail of situations that R [REDACTED] had talked
23 about.

24 Q. R [REDACTED] told you, and it's in this Exhibit 17, that
25 two days after the rape Rachel told Cappabianca what

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1 happened, correct?
2 A. That's correct.
3 Q. Did Cappabianca admit that on November 28, 2001
4 Rachel told her that?
5 A. She admitted that she knew about it prior to this
6 meeting. And she also admitted that she had known about it
7 for quite some time.
8 Q. She didn't give you a date?
9 A. She did not give me a date.
10 Q. Did she give you a month?
11 A. No.
12 Q. Did you get angry when she told you that?
13 A. Yeah.
14 Q. What did you say?
15 A. I said, well, if you've known about this since
16 November 27th, and that's the word I used, I said, why would
17 you not take an initiative to do something or at least call
18 me and then maybe we could have sat down and done something.
19 Something that serious needs to be taken care of.
20 Q. Her response was?
21 A. She said you can't take the word based on one
22 child. She said, kids all the time make up stories when
23 they do things. She said, there was no proof based on what
24 she said happened. But I said, even if there's no proof,
25 even if my child was lying, you know. Hypothetical let's

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1 say she was lying, you're still supposed to do something as
2 far as taking the initiative.
3 Q. Like tell the police?
4 A. Pardon me?
5 Q. Like tell the police?
6 A. Yeah, or call children's services or something or
7 at the very least call me and tell me because I would have
8 went right down there in a heartbeat to talk to her. I
9 would have been right down in a heartbeat.
10 Q. Did you at some point in time ask anybody at
11 Strong Vincent to make Rachel the subject of the S-A-P team?
12 A. Huh? I'm not sure I understand what that is.
13 Q. Do you know what the S-A-P team is? The student
14 assistant program team?
15 A. Yeah.
16 Q. Chris Rule talked about it today.
17 A. Honestly, to be truthful with you, I really didn't
18 hear half of what he said.
19 Q. Well, do you know what S-A-P means?
20 A. No, I'm sorry.
21 Q. Have you heard the term before, S-A-P or SAP?
22 A. No, not that I remember of anyway.
23 Q. Have you heard of the term student assistance
24 program?
25 A. Yes.

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1 Q. When did you first hear about that?
2 A. Hard to remember where I heard that from. I
3 always thought the student assistance program was like when
4 you get involved with a kid that wanted to go on into
5 college and that, that's what I thought.
6 Q. Did R [REDACTED] have any relationship at all with Chris
7 Rule before January 10, 2002?
8 A. I don't believe so.
9 Q. What I mean by relationship is whether she saw him
10 as a counselor.
11 A. I can't 100 percent -- I don't believe so.
12 Q. You have no knowledge?
13 A. I have no knowledge of it.
14 Q. The first time you ever met Chris Rule was
15 January 10, 2002?
16 A. Yeah. It was for a very brief time.
17 Q. Did you ever see Chris Rule after that day?
18 A. I don't believe so. I can't remember. I don't
19 think so.
20 Q. Mr. P [REDACTED] please go to Exhibit K, specifically
21 Page 4, first paragraph. The pages aren't numbered
22 unfortunately.
23 MR. OLDS: That's the one that begins with January
24 10th?
25 MR. MARNEN: January 10.

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1 Q. If you go down to the very bottom of that. You've
2 taken R [REDACTED] and I am going to read it to you. Third line
3 up from the bottom, R [REDACTED] was in her room but said not much
4 of anything. I had a long talk with my wife, and we both
5 felt like it was our fault. We felt we should have done
6 something. If only I had come there earlier, the blame
7 game. That night I recalled the whole conversation over
8 again. I couldn't sleep, I cried. Okay?
9 A. Yes.
10 Q. Why did you both feel it was your fault?
11 A. It was more like a guilt feeling, you know,
12 because the day that I picked up R [REDACTED] on the 27th we were
13 all supposed to go to a family movie. And my little girl
14 Mirrissa, we were having difficulty finding her clothes.
15 And so we were kind of consequently late picking Rachel up.
16 And looking back on it, you know, if we had maybe laid out
17 her clothes a little bit early, if we had, you know, maybe
18 perhaps down something differently where we wouldn't have
19 been late picking her up this might never had happened.
20 Q. You are talking now about the day of the rape?
21 A. On November 27th, yes.
22 Q. Was your only job at that time a crossing guard
23 for the school district -- I'm sorry, for the police
24 department on November 27, 2001?
25 A. Yes.

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1 Q. So you worked, what, in the morning and the
2 afternoon that day?
3 A. Yes, correct.
4 Q. And you would have gotten off work at what time,
5 3:30 or 4:00?
6 A. 3:30 usually.
7 Q. You went home, right?
8 A. Yes.
9 Q. Right?
10 A. Yes.
11 Q. At that time you lived two blocks from Strong
12 Vincent?
13 A. That's correct.
14 Q. Do you know whether R [REDACTED] was supposed to have
15 P.A.S.S. that night, that afternoon?
16 A. I don't know for sure 100 percent know of that. I
17 know she was given P.A.S.S. so much and I lost track of how
18 many times she was supposed to be there or even if she was
19 supposed to be there at all.
20 Q. You did know you were going to pick her up that
21 night?
22 A. Yes, I did.
23 Q. What day of the week was that; do you remember?
24 A. I believe that was on a Tuesday.
25 Q. It was in the middle of the week, though, anyway,

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1 right?
2 A. I believe so, if I remember correctly. I know --
3 I think it was on Tuesday because that's the dollar movie
4 theater, I think it was 50 cent night.
5 Q. You only live two blocks from Strong Vincent, why
6 would you be picking her up, because of the time of night?
7 A. I made it always a note to always pick her up. I
8 still do that. I pick up my kids no matter where they are.
9 I want to know that they are safe.
10 Q. When she got out of school at 3:00 in the
11 afternoon, you were picking her with up with a car?
12 A. No, not in the afternoon. If she was to have
13 P.A.S.S. or something like that or even if she was going to
14 be at a friend's house, I would normally try to pick her up.
15 Say, okay, R [REDACTED] I am going to be over here to pick you up
16 at a certain time, that's what I would do.
17 Q. Why did you arrange to pick her up from P.A.S.S.,
18 because it was after dark?
19 A. Yeah, and she was young.
20 Q. I am trying to understand, that's all. If it were
21 daytime, you let her walk home, but if it were nighttime you
22 picked her up; is that basically it?
23 A. Yes.
24 Q. Did you arrange to pick her up that night?
25 A. Yes.

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1 Q. The night of the rape?
2 A. Yes.
3 Q. You did?
4 A. Yes.
5 Q. Where were you going to pick her up?
6 A. She said that she would be picked up at the
7 laundromat.
8 Q. Why the laundromat, do you know?
9 A. I don't know. I mean, I don't understand why it
10 was always the laundromat.
11 Q. Were you there at 6:30 to pick her up?
12 A. No. As I explained to you before, I was late
13 picking her up that day. We had trouble finding M [REDACTED]
14 clothes.
15 Q. Did you pick her up that night?
16 A. Pardon me?
17 Q. Did you pick up R [REDACTED] at school that night, at
18 the laundromat that night?
19 A. Yes.
20 Q. She didn't walk home that night?
21 A. No.
22 Q. What time did you pick her up?
23 A. It was after 7:00.
24 Q. You expected to find her at the laundromat?
25 A. Yes.

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1 Q. When you arrived was she at the laundromat?
2 A. She was at the laundromat but she just -- my wife
3 said to me before we got there, it was kind of weird. She
4 said to me, she said before we got to the laundromat my wife
5 said to me, she said, I don't feel too right about
6 something, just that weird, odd feeling, you know.
7 Q. So the two of you drove together to the
8 laundromat?
9 A. Yes. Well, it was she, myself and M [REDACTED]
10 because we were going to go to the dollar movie theater.
11 Q. How about J [REDACTED]
12 A. No, J [REDACTED] didn't go to the movies with us. He
13 kind of stayed home a lot.
14 Q. You left J [REDACTED] at home and you and M [REDACTED] and
15 Shelly went down to pick up R [REDACTED]
16 A. Yes.
17 Q. Where did you find her?
18 A. Pardon me?
19 Q. Where did you find her?
20 A. She had actually came out to greet us.
21 Q. Out of the laundromat?
22 A. Um-hmm -- yes.
23 Q. When she got in the car, was she upset?
24 A. Yeah, but she was solemn, you know. And she said
25 something about what would you do, dad, if people did

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1 things. And I didn't understand what she was talking about,
2 I said, well, that depends upon the situation. I said,
3 normally what I would do is just have a tendency to walk the
4 other way. I don't get in conflicts. I said, that's what
5 anybody else should do. She was real quiet. I remember her
6 asking me what if they were older than you. I said, well,
7 what do you mean older than you. She said, what if they
8 were 15, maybe 16 or 17, what would you do. I said to her,
9 well, in that case I would try to talk to an adult about it.
10 But I --
11 Q. I'm sorry, go ahead. I didn't mean to cut you
12 off.
13 A. I was going to say that I, again, I did not fully
14 understand what she was talking about.
15 Q. When you met with Janet Woods on January 10, 2002,
16 did Janet Woods describe the rape as a rape?
17 A. No.
18 Q. Did she describe it as a sexual act that had
19 compulsion or coercion involved?
20 A. Of what?
21 Q. Did she say that R [REDACTED] was coerced into providing
22 oral sex to these boys?
23 A. No. All she said was that she was sucking dicks.
24 She didn't really go into great detail. That's when she
25 told R [REDACTED] well, tell us what happened, R [REDACTED]. And then
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1 R [REDACTED] went into telling her part of what she had said, and
2 she had started breaking down crying. Miss Woods asked if
3 she wanted water, and they went and got the water. From
4 that point --
5 Q. Did what Miss Woods said -- did what she said lead
6 you to conclude that she was alleging that R [REDACTED] was being
7 promiscuous?
8 A. Yes. That's the assumption that I got out of her.
9 Q. Did the subject of force or coercion come up at
10 all in that meeting?
11 A. No.
12 Q. When did you first learn that force or coercion
13 were involved?
14 A. I think I first learned about, if I remember
15 correctly, I think after the police started doing their
16 investigation because when I had went down there I talked to
17 Stanley Green, that was around, gosh, I think it was around
18 9:30 in the morning, maybe quarter to 10:00 because that was
19 the time I usually picked up my paycheck. At that time
20 Detective Green -- I sat down and I gave an initial
21 statement to him. And he said, well, let's see if there's
22 been any prior reports made on alleged sexual assault.
23 That's the first time I thought of it as a sexual assault
24 because at the time I didn't put the pieces together too
25 well.

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1 Q. Didn't R [REDACTED] describe it as a sexual assault
2 during the meeting on January 10th with Woods?
3 A. Thinking back, I think she kind of put it together
4 that way, but her wording was so, you know, it was broken
5 because she started crying.
6 Q. So Rachel -- you're saying R [REDACTED] did not make it
7 clear to you on January 10th during the meeting with Woods
8 and Rule that she had been sexually assaulted?
9 A. I wouldn't say that. You have to understand, I
10 don't always hear everything perfectly clear. So when I say
11 her language was broken, I don't -- basically I can't hear
12 everything. I try real hard to focus in and do the right
13 thing as far as hearing is. I know what she started saying
14 and then she started breaking down crying (made verbal
15 noises), that type of thing, talking like that and with the
16 language it just sort of --
17 Q. Let me remind you now that you asked Miss Woods if
18 she had contacted the police.
19 A. Yes.
20 Q. So that subject, I would think you must have been
21 talking about coercion or force --
22 A. No.
23 Q. -- in talking about the police?
24 A. She did not mention that. The reason why I said
25 have you contacted the police was because in my mind, in my
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1 self thought -- I thought like this. My child don't do
2 these things, therefore, it must have been of a forced
3 nature. Although it was not mentioned to me like that, I
4 felt that that's what it might have been. And I felt at
5 least have the local authorities take a look at it and do at
6 least an initial investigation to find out if it was
7 coerced, if it was forced, or if it was a willing
8 participating act. And she said, no, there is no police
9 involvement at this time.
10 Q. So on January 11th when you went down to pick up
11 your paycheck at the police department you went looking for
12 Sergeant Bowers?
13 A. That's correct.
14 Q. What were you going to do if you found him?
15 A. I was going to tell him what I know as far as what
16 I understand I know, and see if there was any type of
17 investigation that needed to be done or any kind of
18 questioning that needed to be done.
19 Q. Look at the fourth page of your statement,
20 January 11, 2002 is the date. It's the first January 11; do
21 you see that?
22 A. Yes.
23 Q. January 11, 2002, I went to work like usual. Do
24 you see that?
25 A. I went -- where are you at now? Oh, I'm at the

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1 wrong -- go ahead.
2 Q. If you go down to about the middle of the
3 paragraph -- well, let me read the whole thing. I went to
4 work like usual, came home early around 9:30 a.m., went down
5 to the police station to pick up my check.
6 A. Yes.
7 Q. While I was there I tried to find Sergeant Bowers.
8 A. Um-hmm.
9 Q. But he was not there. So I talked to another
10 officer and told of the alleged situation.
11 A. Um-hmm.
12 Q. He said we need to go talk to juvenile division.
13 He led me over to juvenile where I was greeted by Detective
14 Green. I was told to tell him what happened, and he would
15 take care of it. I began to tell Detective Green about the
16 alleged oral rape of my daughter at Strong Vincent High
17 School.
18 A. That's correct.
19 Q. By then you must have thought it was rape?
20 A. Yes. You know, because as I said before, in my
21 mind I didn't think my daughter would be even -- she wasn't
22 brought up to even know about stuff like this let alone to
23 be performing on her own willing participating. So, yeah,
24 in my opinion it would be rape.
25 Q. So in your mind it must have been rape because she

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1 was a good girl, not because of what she told you or what
2 Woods told you?
3 A. Exactly.
4 Q. I am just trying to understand what is going on in
5 your head at that point. Green looked at his computer and
6 said no report had been made yet, right?
7 A. That's correct.
8 Q. You knew from what Woods said the prior day,
9 though, that at least by that time she hadn't contacted the
10 police?
11 A. That's correct.
12 Q. Did she say she was going to contact the police
13 when she had finished her investigation?
14 A. She did not mention that, no. Which is why I
15 figured it this way, here is my thoughts exactly. If
16 something is done, and I have always taught this from day
17 one with my children on up, when something is done to you,
18 and you think it is bad, you tell someone in charge
19 regardless of whether you think it may or may not be, you
20 tell. And so when I went down to report this, this is
21 exactly what I felt to do. I figured if it hasn't been done
22 yet, and they've known about it so long, then I'm going to
23 do something about it, and I'm going to go to the police,
24 which is what I did. I'm sorry, I get frustrated.
25 Q. You thought at that point in time that Strong

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1 Vincent had known about this for a couple months; is that a
2 fair statement?
3 A. That is a very fair statement, yes.
4 Q. Did you think they were trying to cover something
5 up?
6 A. Looking back on it from that point of view I
7 didn't know what to think. I couldn't figure out for the
8 life of me why they wouldn't report it.
9 Q. Did Jan Woods tell you on January 10, 2002 that
10 she and other administrators at Strong Vincent were
11 interviewing the kids involved?
12 A. Yes, she did say she talked to other kids. I
13 remember her saying that.
14 Q. Did she say that her talk with you and with Rachel
15 was part of that process?
16 A. No, she didn't mention it like that. I thought
17 that meeting was to inform me of what might have been
18 happening.
19 Q. When did you first learn that K [REDACTED] L [REDACTED] was
20 involved here too?
21 A. To be honest with you, I don't remember when I
22 found out K [REDACTED] was involved with it. Because I really
23 didn't, I mean I didn't know that well K [REDACTED] and
24 Miss L [REDACTED], I didn't know them that well. I knew R [REDACTED] was
25 friends with her.

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1 Q. I guess later that morning, according to your
2 Exhibit K, it's the third paragraph on the page we are on.
3 January 11, 2002 at approximately 10:30 a.m, do you see
4 that?
5 A. Um-hmm -- yes.
6 Q. You ended up going back down to the Erie Police
7 Department, right?
8 A. That is also correct.
9 Q. I guess you said you met at 11:30 with Green?
10 A. Right about 11:30, yeah.
11 Q. [REDACTED]'s statement was taken?
12 A. Yeah, and a video statement.
13 Q. By Green?
14 A. And detective -- he introduced R [REDACTED] to Detective
15 Barber.
16 Q. Is that Pamela Barber or John Barber?
17 A. Pamela.
18 Q. Did you ever meet John Barber?
19 A. I don't remember if I did or not.
20 Q. You did meet Pamela?
21 A. Yes.
22 Q. What was your understanding of her involvement in
23 the matter?
24 A. I thought that perhaps they felt she would be more
25 comfortable talking to a female and that's why she was

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1 involved with it. I wasn't sure exactly. It made perfect
2 sense to me.
3 Q. So R [REDACTED] was interviewed by Pamela Barber?
4 A. Yes.
5 Q. In the company of you and --
6 A. Detective Green.
7 Q. -- Stanley Green?
8 A. Yes.
9 Q. While that interview was going on you received a
10 cell phone telephone call from Jan Woods?
11 A. Correct.
12 Q. The content of that conversation is recounted on
13 Exhibit K on the page we are on?
14 A. Yes.
15 MR. MARNEN: Off the record.
16 (Discussion held off the record.)
17 MR. OLDS: While you were gone there was a
18 discussion, and he might need to change part of
19 his testimony.
20 Q. Go ahead. What part?
21 A. My daughter she said I didn't pick her up on the
22 27th. I picked her up on the second incident that happened.
23 So these times and dates it's so hard to remember.
24 Q. R [REDACTED] did testify, I just read her deposition
25 recently, that she walked home the night of the rape.

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1 A. Right. She said, dad, no, you didn't pick me up,
2 you picked me up on the second incident.
3 Q. Okay.
4 A. I made an error.
5 Q. Fair enough. I understand, that happens. Well, I
6 think we were at R [REDACTED] was being interviewed by Detective
7 Barber, whose first name is now escaping me.
8 A. Pamela.
9 Q. Pamela Barber, and you were there and Green was
10 there, right?
11 A. That's correct.
12 Q. You received a phone call from Jan Woods on your
13 cell phone.
14 A. Yes.
15 Q. Just go to Exhibit K, tell you what, give me your
16 copy of your Exhibit K and I am going to put some page
17 numbers on it.
18 (Brief pause.)
19 Q. I have handwritten on that exhibit pages one
20 through nine, I think. I am going to do the same thing to
21 my copy. Page 4.
22 A. Okay.
23 Q. You were recounting the telephone conversation in
24 the third paragraph of Page 4, were you not?
25 A. Yes.

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1 Q. With Jan Woods, right?
2 A. Yes.
3 Q. And was it your understanding based on that
4 conversation that Janet Woods had not yet contacted the
5 police?
6 A. That was any understanding, yes.
7 Q. Did you believe at that point in time that she had
8 no intention of contacting the police?
9 A. At that time, you mean?
10 Q. Yes.
11 A. I figured she probably would.
12 Q. Did Janet Woods say in that conversation that
13 there were police at Strong Vincent that day interviewing
14 people?
15 A. No, she didn't tell me.
16 Q. On January 10 or at any time after January 10 up
17 until the time you have this conversation with Janet Woods
18 on the morning of January 11, so between the meeting with
19 Woods on the morning of the 10th and the telephone
20 conversation with Woods on the morning of the 11th, did
21 anybody from Strong Vincent or anybody from the school
22 district tell you that they wanted to interview R [REDACTED] that
23 the police wanted to interview R [REDACTED]
24 A. From the school district?
25 Q. Yes.

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1 A. No. I went down there and detective --
2 Q. Did anybody from the school district tell you
3 during that period of time that the police wanted to
4 interview R [REDACTED]
5 A. May I make a footnote here?
6 Q. Sure.
7 A. When you ask me questions, could you keep the
8 paper down so I can see your mouth?
9 Q. I'm sorry.
10 A. I didn't want to be rude and say anything.
11 Q. You read lips. So keep my hand away from my face.
12 A. I'm trying to lean this way.
13 Q. I will ask you again.
14 A. Thank you.
15 Q. Between the time you met with Janet Woods on the
16 10th and the time that she had called you on the 11th when
17 you and R [REDACTED] were being interviewed by the police at the
18 police station, during that roughly 24-hour period, did
19 anybody from the school district tell you that the police
20 wanted to interview R [REDACTED] at Strong Vincent?
21 A. No.
22 Q. Okay. The next entry on Exhibit K on Page 4 is an
23 entry dated January 15, 2002 and that's about R [REDACTED]. I am
24 going to read it. R [REDACTED]'s friend named Toni had come over
25 to our place and said, I can't hang with R [REDACTED] anymore

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1 because she sucks dick. Is that exactly what T [REDACTED] said?
2 A. Yes.
3 Q. What is -- is that how you spell her first name,
4 T [REDACTED]
5 A. I believe so, yes.
6 Q. Is that a nickname for something?
7 A. No.
8 Q. Do you know her last name?
9 A. I think it's N [REDACTED]
10 Q. I have an affidavit from someone named R [REDACTED]
11 J [REDACTED]
12 A. Yeah.
13 Q. It indicates that she's is T [REDACTED]'s mother, I
14 believe.
15 A. Yes, that's T [REDACTED]'s mom.
16 Q. So Toni's mother is named Robin Johnson?
17 A. That my understanding, yes.
18 Q. But T [REDACTED]'s last name is not Johnson?
19 A. I don't -- is it?
20 Q. What is her last name?
21 MISS R. P [REDACTED]: N [REDACTED]
22 Q. Do you have any idea how to spell that?
23 A. No.
24 MISS R. P [REDACTED]: I think it's, N- [REDACTED]
25 Q. N- [REDACTED]

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1 MR. OLDS: Or N- [REDACTED]
2 A. I have no clue.
3 Q. Okay. Does T [REDACTED] -- did T [REDACTED] live with her mother
4 on January 15, 2002?
5 A. I guess so, I am not sure.
6 Q. What you knew at the time was T [REDACTED] you knew that
7 name and not --
8 A. Yeah.
9 Q. I think we talked about this, and I am not
10 remembering what our exchange was, but I asked you if Toni
11 was a nickname, I think.
12 A. Yes, you asked me that.
13 Q. You don't know, right?
14 A. No, I think her name is T [REDACTED]
15 Q. Not Antonia or anything like that?
16 A. No. She's a girl, so Toni.
17 Q. Well, there's Antonia as a girl's name.
18 A. Oh, okay.
19 Q. Did T [REDACTED] say this to you?
20 A. What? Oh, yes, I thought you were reading
21 something.
22 Q. Did she say, I can't hang with R [REDACTED] anymore
23 because she sucks dick?
24 A. That is what she said to me.
25 Q. She said that to you?

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1 A. Yes, she told me that.
2 Q. In your house?
3 A. Yeah, she came over.
4 Q. If she wasn't allowed to play -- if she wasn't
5 allowed to hang out with R [REDACTED] anymore, what was she doing
6 at your house?
7 A. Probably sneaking around.
8 Q. Disobeying orders. And she told you, you asked
9 her for an explanation, and she said that the day that you,
10 Mr. Richard P [REDACTED] were at Vincent talking with Linda --
11 or with Janet Woods, T [REDACTED] and her mother were at Strong
12 Vincent talking with Linda Cappabianca?
13 A. That's correct. She called her Miss Cap.
14 Q. When you heard Miss Cap, you think that's Linda
15 Cappabianca?
16 A. That's correct.
17 Q. All the kids called Linda Cappabianca Miss Cap?
18 A. That's correct. That was my understanding, yes.
19 Q. How did you know that T [REDACTED] was talking about the
20 day that you were in there, January 10th?
21 A. Because when the meeting took place I saw Robin
22 and T [REDACTED] there in the office where I had actually met with
23 Miss Woods. As I told you before, I met with Miss Woods in
24 the main office like. And it's not my business to know what
25 they are there for. I am not going to ask them, what are

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1 you here for.
2 Q. You saw them there that day?
3 A. Yes, I saw them there that day.
4 Q. Did you talk about the fact that you had seen
5 Robin and her -- I'm sorry T [REDACTED] and her mother that day?
6 A. Pardon me?
7 Q. Did you talk with T [REDACTED] on January 15th about
8 seeing her mother and her at Vincent on the 10th?
9 A. No.
10 Q. How did you put it together that it happened on
11 the 10th?
12 A. Because I hadn't seen Robin in almost, I would
13 say, a good ten years. So the only time I had ever known --
14 I haven't seen Robin in a long time. Back in 1992, I think
15 '93, I used to be next door neighbors with them and I used
16 to baby-sit their little girl, that was like for a year and
17 then we moved out.
18 Q. 1993 you were, what, 25 years old, 28?
19 A. Somewhere around there, I think. My math ain't
20 that great.
21 Q. You were married in '65, didn't you tell me?
22 A. Pardon me?
23 Q. You were married in 19 --
24 MR. OLDS: Born.
25 A. No, I was born in '64.

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1 MR. OLDS: '85.
2 Q. I'm sorry, wrong life event. You were born in
3 '65?
4 A. I was born in '64.
5 Q. '64, you baby-sat for Johnson when?
6 A. I think it was '93, I think, but I am not sure.
7 Those years are so --
8 Q. That's about 28 or 29 years old?
9 A. Right around there. I was in the my 20s, I
10 believe. I can't remember exactly, it's been so long. I
11 didn't know who they were when I first bumped into them.
12 Q. Was Robin the kid you were babysitting?
13 A. Robin, no.
14 Q. Is Robin your age?
15 MR. OLDS: Robin is the mother.
16 A. I don't know how old Robin is.
17 Q. Back in '93 who were you babysitting?
18 A. I baby-sitted (sic), well, on and off once in a
19 great while I baby-sitted for Robin. I baby-sitted most of
20 the neighbors' kids over there.
21 Q. Did you babysit Robin or did you babysit --
22 A. Not Robin, Robin was an adult.
23 Q. How old is Robin, your age roughly?
24 A. I don't have no clue.
25 Q. But she's an adult?

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1 A. She's an adult.
2 Q. Were you babysitting T [REDACTED] in 1993?
3 A. Once or twice, yes.
4 Q. When you talk about babysitting that's who you
5 were babysitting?
6 A. Yeah. If she had to go to the store or something
7 she'll say, hey, Rich, can you watch my kids for a minute.
8 I watch her kids for a little bit, wasn't even that long of
9 a time.
10 Q. How long were you neighbors with Robin?
11 A. About a year, maybe less than that.
12 Q. Is that the only time you had known Robin? Did
13 you know her before you became a neighbor of hers?
14 A. No.
15 Q. And you hadn't seen her since the time you stopped
16 being neighbors up until the time you saw her in Vincent
17 that day; is that what you're saying?
18 A. Yes.
19 Q. You hadn't seen her for nine years?
20 A. Pretty close to it, yeah.
21 Q. You ran into her at Vincent and she was with T [REDACTED]
22 and you were with R [REDACTED]
23 A. That's correct.
24 Q. And is it the fact that you saw Robin at Vincent
25 on January 10th your basis for concluding that she must have

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1 had that conversation with Linda Cappabianca on January 10,
2 2002?
3 A. At that time, that point in time, yes.
4 Q. Did Robin later confirm that?
5 A. I was infuriated.
6 Q. What?
7 A. I was mad, okay.
8 Q. I am only trying to figure out why you knew it was
9 January 10th right now.
10 A. Because, as I said to you before, I hadn't seen
11 Robin in years. And I didn't even recognize Robin at that
12 point because it had been so long. I really didn't know
13 Robin that well anyways in the very beginning. When R [REDACTED]
14 met up with T [REDACTED], you know, it was kind of like, wow, hey, I
15 haven't seen you in so long, you know what I mean? And they
16 wanted to be friends but --
17 Q. How did you decide that January 10th was the day
18 Robin was in Strong Vincent and Linda Cappabianca told her
19 this about R [REDACTED]
20 A. Because when I asked Miss Cappabianca -- I'm
21 sorry, excuse me. When I asked Miss Woods, isn't Miss
22 Cappabianca going to be at this meeting too, because I
23 automatically assumed because they said we need to talk, on
24 January 9th they both were insinuating that both of them was
25 going to be at the meeting, which was the following day on

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1 January 10th. And when I got in the office, of course, it
2 was Mr. Rule, and that other woman with long, brown hair and
3 Miss Woods. And I asked Miss Woods, well, isn't
4 Miss Cappabianca going to show up. And she had said, she's
5 tending other business matters with other parents, and that
6 kind of put, you know, the two together.
7 Q. You saw Robin Johnson at Vincent on the 10th.
8 Cappabianca was dealing with other parents on the 10th, you
9 concluded from that she met with Johnson that day?
10 A. At that point in time, yes. It wasn't until I
11 actually called Robin, and I didn't even say to Robin in the
12 beginning I didn't say, hey, did you have a meeting. I
13 asked her, I said, I told her -- I can't remember the way I
14 phrased it. I said, what's up with T [REDACTED] I said, you know,
15 are you aware of what T [REDACTED] was saying. She said, what. I
16 said, well, she's talking about R [REDACTED] sucking dick, what's
17 up with that? She said, well, Miss Cap -- Miss Cappabianca
18 and I were having a conversation and she said -- and she was
19 telling me about what R [REDACTED] had done. I said, well, did
20 she explain to you that it might have been forced sex there?
21 Did she even explain to you -- I said, why in the world
22 would she be talking to you when she didn't even come to me.
23 Why would she go -- because, see, Robin would never have
24 known about that. I didn't tell Robin. I have no business
25 to tell Robin because I haven't seen Robin in years.

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1 Q. How did you decide it was January 10th?
2 A. Because that's the only time I could think of when
3 Toni said the other day, which was actually just a few short
4 time period, wasn't like she said last week or two weeks or
5 three weeks. She said the other day and I knew, you know
6 what I mean?
7 Q. All right.
8 MR. OLDS: Can we take a minute break, Jim?
9 (Brief recess.)
10 Q. Did you ever find out from anybody why Linda
11 Cappabianca had that conversation with Robin Johnson and her
12 daughter?
13 A. Did I find out what?
14 Q. Did anybody ever tell you why Linda Cappabianca
15 met with Robin Johnson and her daughter, T [REDACTED] and told her,
16 encouraged her, to keep Toni away from R [REDACTED] because R [REDACTED]
17 was promiscuous?
18 A. No one came and told me about it, if that is what
19 you're asking me.
20 Q. Did you ever ask Cappabianca why she had such a
21 meeting and said such a thing?
22 A. I didn't talk to her after -- I don't believe I
23 talked to her after January 9th. Yeah, well, except for the
24 time I met her in the hallway, but I don't remember going
25 back. I know if I would have went back there I would have
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1 been saying some things I should not say.
2 Q. You said to Robin Johnson, why is she telling you,
3 what is your interest in this, right?
4 A. Yeah. Well, I said to her why is she telling you
5 when, you know, she --
6 Q. What did Robin say about that?
7 A. She said she just wanted to make sure that she
8 knows who my daughter is hanging around with, what kind of
9 kid it is.
10 Q. Did anybody ever tell you that Linda Cappabianca
11 told other parents besides Robin Johnson the same kind of
12 thing?
13 A. I don't remember who it was that made notations.
14 I don't know who the other parents were.
15 Q. Was T [REDACTED] J [REDACTED] ever at your house before
16 January 15th, 2002?
17 A. I don't think so.
18 Q. Was T [REDACTED] J [REDACTED] at that time a Strong Vincent
19 student?
20 A. I think that -- I don't know. We had just moved
21 in from Arizona. We really didn't have no connections or
22 ties with anybody. I can't say one way or the other whether
23 she went to school there or whether she was just starting
24 school there. I don't know. But my thoughts are if she
25 knew, she must have been pretty close to knowing who Robin
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1 was and who T [REDACTED] was, otherwise the conversation wouldn't
2 have taken place.
3 Q. After Robin Johnson told you this -- I'm sorry. I
4 guess the next day you confirmed with Robin Johnson that she
5 had been told this by Linda Cappabianca?
6 A. Yes. I called her several times. I wanted to
7 hear it from her mouth, not just the word of a kid.
8 Q. She confirmed it?
9 A. Right.
10 Q. Did you call Linda Cappabianca about this?
11 A. I don't remember if I did or not. I was so
12 bitterly angry about it.
13 Q. Did you call anybody at the Erie School District
14 about this?
15 A. No, because R [REDACTED] wasn't going back to school.
16 Q. You regarded that as an outrageous breach of
17 privacy, did you not?
18 A. Pardon me?
19 Q. You regarded what Cappabianca said to T [REDACTED] J [REDACTED]
20 as an outrageous breach of privacy, did you not? You
21 thought it was awful she's talking about your daughter like
22 this --
23 A. I thought it was horrible.
24 Q. -- to somebody else. Why didn't you tell somebody
25 at Erie School District about it; why didn't you complain
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1 about it?
2 A. Because here's my thought and my sentiments on
3 that. My daughter has been removed for something that was
4 not her fault. I now have the belief that my daughter has
5 been talked about to other parents. I'm at this point
6 believing that there is no police involvement outside of
7 what I'm saying. And there is no reason for me to go back
8 there and talk to these people when they haven't done
9 anything in the very beginning. I didn't see any reason why
10 to go back because it wouldn't have made a difference
11 anyway. They weren't being responsible, in my opinion, to
12 do what they were supposed to do. And to talk about it to
13 another parent that just made me all the more angry. If I
14 had gone back there, I know I would have blown my stack. I
15 am a very patient man. I'm a very kind person, but I have
16 my limitations.
17 Q. It didn't cross your mind to complain to someone
18 about Linda Cappabianca?
19 A. The only time it crossed my mind to talk to
20 someone, other than, you know, the police department or
21 whatever, is on March 25th which was, slash, 26th, when my
22 daughter stabbed me and she had tried to commit suicide
23 because by that time it was so out of control with her, I
24 had lost all hope and everything. The officer that had
25 taken her to Millcreek Community Hospital he said, you need
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1 to go to Dr. Barber, I think it was John Barber his name he
2 used. He said, because whoever Miss Cappabianca was, he
3 said that it was not right what she did based on what your
4 kid said.
5 Q. You mean Dr. Barker the superintendent?
6 A. Yeah. I was going to do that, but by that time
7 Rachel was -- I was dealing with the pressures of R [REDACTED] and
8 the way she was slipping. I was losing my child fast.
9 Q. So at any time before you filed this lawsuit did
10 you lodge a complaint with anybody at the Erie School
11 District about the conduct of Janet Woods or Linda
12 Cappabianca relative to this matter?
13 A. I am not really following.
14 Q. At some point in time you filed a lawsuit, right,
15 that's why we're here?
16 A. Yes.
17 Q. At any time before you did that, did you make a
18 complaint to anybody at the school district about Woods and
19 Cappabianca and how they handled this whole thing?
20 A. No, not really, no. All I did was I just
21 basically told exactly like I had written up here before. I
22 said, look, you had ample opportunity. Even on the phone
23 call I had with Miss Woods at the police department, I said,
24 you had since November 27 to deal with this and you never
25 get around to doing it. You had plenty of opportunity to do

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1 something in between that time period, and you haven't done
2 till now. I said, that's it, I'm taking matters in my own
3 hands, and I did.
4 Q. Who is Michelle Hettrick?
5 A. That would be the juvenile probation officer for
6 B [REDACTED] C [REDACTED] and C [REDACTED] B [REDACTED]
7 Q. At any time before the rape that occurred on
8 November 27, 2001, did R [REDACTED] ever receive any counseling of
9 any kind?
10 A. She went to rape crisis.
11 Q. Listen to me carefully, though, before she was
12 raped.
13 A. I'm sorry.
14 Q. Before November 27th, 2001, the day she was raped,
15 did she ever receive any counseling from anybody?
16 A. No, unh-unh.
17 Q. After the rape you know she was -- she did receive
18 counseling at rape crisis?
19 A. Yes.
20 Q. And she also received counseling at Millcreek
21 Community Hospital?
22 A. That is also correct, I believe. There was a
23 psychiatrist there.
24 Q. Yes. That's what I mean by counseling. I am
25 trying to -- she has received some mental health attention

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1 after the whole thing was turned into the police in early
2 January of 2002, correct?
3 A. That's correct.
4 Q. She's received mental health attention from people
5 at Millcreek Community Hospital?
6 A. That's correct.
7 Q. Rape crisis?
8 A. That's correct.
9 Q. And I think other places?
10 A. Yes.
11 Q. Is one of those places Sarah Reed?
12 A. As far as Sarah Reed is concerned, I don't know
13 how much counseling they actually gave her. I know there
14 was a time period, and I can't remember exactly when it was,
15 but she there only for school purposes only, no attachment
16 to counseling or anything of that nature. She was only
17 there for school purposes only, and she did not receive
18 counseling. I don't remember if it was in eighth grade year
19 or her ninth grade year. I don't remember how that -- I
20 remember that there was a time period at Sarah Reed she did
21 not receive any counseling because she was not sent there
22 for any kind of problem, she was just sent there just to
23 remain in there for schooling only.
24 Q. When she went there in seventh grade in January of
25 2002 and finished out the year, during the rest of that

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1 seventh grade she received no counseling at all at Sarah
2 Reed?
3 A. I don't know if she received counseling. Again,
4 like I said before, I don't know. I think she received
5 counseling in the seventh, slash, eighth grade year. I
6 don't think it was in the ninth grade.
7 Q. I misunderstood you then. She did receive some
8 counseling in seventh grade at Sarah Reed?
9 A. That is my understanding.
10 Q. Did you attend intake at Sarah Reed?
11 A. I believe so, yeah. Well, I went to the meetings
12 there. I think I went to the intake meeting on the 25th of
13 January.
14 Q. R [REDACTED] was there too?
15 A. Yes.
16 Q. Was Shelly there?
17 A. I don't believe so.
18 Q. Just you and R [REDACTED]
19 A. That's my memory. The reason I say that is
20 because Shelly's involvement mostly was limited only because
21 of her health reasons. So a lot of times she was too sick
22 to do anything. So, I mean, if I remember her or not being
23 there is only because 80 percent of the time she is not.
24 Q. Does she have a physical health problem?
25 A. She has a lot of them.

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1 Q. Okay. Was there somebody at Sarah Reed that you
2 dealt with the most?
3 A. I want to say Michelle.
4 Q. Michelle Hettrick?
5 A. No.
6 Q. Michelle somebody else?
7 A. Yeah, Michelle somebody else. A short girl with
8 black hair.
9 MRS. L [REDACTED] Mrs. German.
10 Q. Her name is German?
11 MR. OLDS: Michelle German, I think.
12 Q. Was she a counselor?
13 A. I don't know who she was.
14 Q. What kinds of things did you meet her about?
15 A. Only things were like when R [REDACTED] did things that
16 were -- what they consider wrong or inappropriate.
17 Q. Were there regularly scheduled meetings with folks
18 at Sarah Reed about Rachel during seventh grade?
19 A. I can remember meeting with Dr. Brenner (sic), but
20 that was about -- I don't remember every meeting that we
21 had.
22 Q. Dr. Brenner?
23 A. Brenner, I think is how you pronounce it.
24 MRS. LONG: Bruner.
25 Q. Any idea how to spell it?

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1 MRS. LONG: B-R-U-N-E-R.
2 Q. You were seeing Dr. Bruner, is he a psychiatrist?
3 A. Yes, I believe so.
4 Q. Michelle German?
5 A. That was -- yeah.
6 Q. What was her position, do you know? This is your
7 deposition not hers.
8 A. I don't know. I don't know.
9 MR. MARNEN: Is this the right time to stop?
10 MR. OLDS: Is it a good time to stop?
11 MR. MARNEN: I think it is. You want to leave by
12 3:30.
13 (Examination concluded at 3:23 p.m.)
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Page 106

1 CERTIFICATION
2
3
4 I, Linda K. Rogers, Shorthand Reporter and
5 Commissioner of Deeds in and for the Commonwealth of
6 Pennsylvania, do hereby certify that I recorded
7 stenographically the proceedings herein at the time and
8 place noted in the heading hereof, and that the foregoing is
9 an accurate and complete transcript of same to the best of
10 my knowledge and belief.
11
12
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14
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19 Linda K. Rogers
20
21
22 Dated: April 18, 2005
23
24
25

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1 about R performing this act on other people?
2 A. Yeah.
3 MR. OLDS: Do you understand the question? What
4 he is asking is --
5 MR. MARNEN: I am trying to be polite.
6 MR. OLDS: What he is asking you is was she saying
7 that R was talking about it or was she saying
8 that R was describing what she was doing?
9 That's your question, right?
10 Q. Was she accusing R of sucking dicks?
11 A. Was she accusing her?
12 Q. Yes. Or was she accusing R only about
13 talking about doing that?
14 A. No, she said R had talked about that.
15 Q. When R talked about it, did she talk about
16 R doing it or talking about was she talking about it in
17 general?
18 A. In general.
19 Q. Okay. If you know, was she trying to quote what
20 R said or was that language she selected on her own,
21 Linda Cappabianca?
22 A. In all fairness I can't answer that question
23 truthfully because I don't know how her perception is.
24 Q. Did you ask Linda Cappabianca where R said
25 this?

Page 21

1 A. I'm not sure I follow that question.
2 Q. Did you ask whether it happened in gym class or at
3 cafeteria or in the hallway or in assembly?
4 A. No. I didn't ask anything like that, no.
5 Q. Did you ask her who she was talking about this sex
6 act with and under what circumstances?
7 A. No. Not at that time, no.
8 Q. So you began you said yelling at R
9 A. That's correct.
10 Q. Yelling what?
11 A. I don't remember exactly what I was yelling. I
12 mean, just kind of just bawled her out. I don't remember
13 exactly how -- like how could you say such things, that type
14 of thing. I don't understand what's going on in your mind,
15 that type of -- I yelled at her.
16 Q. Did she give you a response?
17 A. No, she just cried.
18 Q. Did you then leave with R leave the school?
19 A. Yes.
20 Q. And drove R home?
21 A. Yes.
22 Q. When you got home, did you discuss the subject any
23 further?
24 A. No. R took a shower.
25 Q. After she finished taking a shower did you

Page 22

1 interrogate her on what Cappabianca was talking about
2 A. No.
3 Q. Is that the last that was ever discussed about
4 that subject that day, about the accusation that R
5 saying such things?
6 A. I don't know how to approach that. I mean, it was
7 something, you know what I mean, I didn't know how to
8 communicate with her. She was upset, obviously I was
9 you know, I didn't know how to approach it.
10 Q. So you let it go?
11 A. Not really let it go. I wouldn't say let it go.
12 I mean, I just sort of talked to my mom.
13 Q. For advice?
14 A. Um-hmm.
15 Q. Did she give you some advice?
16 A. All my mom had to tell me was you need to really
17 just put your arms around her and tell her you love her and
18 everything is going to be okay, you know.
19 Q. By this time you were unaware of the sexual
20 assault that took place near the laundromat?
21 A. ~~No~~ Yes, I was unaware
22 Q. You were not aware of it, right?
23 A. ~~No, I was not.~~ No, I was unaware
24 Q. So as far as you knew that day all Linda
25 Cappabianca was talking about was R using bad language

I thought Mr. Marnen said "unaware" not unaware Page 2

1 in school; am I understanding this correctly?
2 A. That's correct.
3 Q. Was this a new thing to you, Rachel using language
4 like that?
5 A. Yes.
6 Q. So you were surprised?
7 A. Shocked.
8 Q. Shocked. And you got advice from your mother to
9 give Rachel a little bit of love essentially, right?
10 A. Yes.
11 Q. You did?
12 A. Yeah.
13 Q. Did you gently question R thereafter as to
14 why she was using language like that?
15 A. She said that everybody just won't leave her
16 alone.
17 Q. R -- you did follow up with R and she
18 said people wouldn't leave her alone?
19 A. Um-hmm.
20 Q. Is this before the meeting with Miss Woods on the
21 steps of Strong Vincent on January 9 that R told you
22 kids wouldn't leave her alone?
23 A. She said -- how can I put this to be truthful. I
24 don't -- she would just -- she told us -- I don't really --
25 I can't remember how it was that she placed herself. She

Page 24

1 Q. Okay. Was there somebody at Sarah Reed that you
2 dealt with the most?
3 A. I want to say Michelle.
4 Q. Michelle Hettrick?
5 A. No.
6 Q. Michelle somebody else?
7 A. Yeah, Michelle somebody else. A short girl with
8 black hair.
9 MRS. L [REDACTED]: Mrs. German.
10 Q. Her name is German?
11 MR. OLDS: Michelle German, I think.
12 Q. Was she a counselor?
13 A. I don't know who she was.
14 Q. What kinds of things did you meet her about?
15 A. Only things were like when R [REDACTED] did things that
16 were -- what they consider wrong or inappropriate.
17 Q. Were there regularly scheduled meetings with folks
18 at Sarah Reed about R [REDACTED] during seventh grade?
19 A. I can remember meeting with Dr. Brenner (sic), but
20 that was about -- I don't remember every meeting that we
21 had.
22 Q. Dr. Brenner?
23 A. Brenner, I think is how you pronounce it.
24 MRS. L [REDACTED]: Bruner.
25 Q. Any idea how to spell it?

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1 CERTIFICATION
2
3
4 I, Linda K. Rogers, Shorthand Reporter and
5 Commissioner of Deeds in and for the Commonwealth of
6 Pennsylvania, do hereby certify that I recorded
7 stenographically the proceedings herein at the time and
8 place noted in the heading hereof, and that the foregoing is
9 an accurate and complete transcript of same to the best of
10 my knowledge and belief.
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21
22 Dated: April 18, 2005
23
24
25

Linda K. Rogers

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1 MRS. L [REDACTED] B-R-U-N-E-R.
2 Q. You were seeing Dr. Bruner, is he a psychiatrist?
3 A. Yes, I believe so.
4 Q. Michelle German?
5 A. That was -- yeah.
6 Q. What was her position, do you know? This is your
7 deposition not hers.
8 A. I don't know. I don't know.
9 MR. MARNEN: Is this the right time to stop?
10 MR. OLDS: Is it a good time to stop?
11 MR. MARNEN: I think it is. You want to leave by
12 3:30.
13 (Examination concluded at 3:23 p.m.)
14 * * *
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1 INDEX
2 EXAMINATION
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* * *

Pg 23

LINE 19: I thought Mr Marnen said
AWARE - NOT UNAWARE OF THE SEXUAL
ASSAULT THAT TOOK PLACE AT THE LAUNDROMAT
ANSWERED NO BUT I WOULD OF ANSWERED
YES IF I HAD HEARD HIM CORRECTLY

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Richard P. v. School District

A000000332
Richard Polancy

April 27, 2005

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for
Rachel P., and DENISE L.,
by and for K [REDACTED] L.,
Plaintiffs

v.

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY
OF ERIE, PENNSYLVANIA; JANET
WOODS, Individually and in
her Capacity as Principal of
Strong Vincent High School;
and LINDA L. CAPPABIANCA,
Individually and in her
Capacity as Assistant
Principal of Strong Vincent
High School,
Defendants

Continued Deposition of RICHARD P [REDACTED]

taken before and by Janis L. Ferguson, Notary
Public in and for the Commonwealth of Pennsylvania,
on Wednesday, April 27, 2005, commencing at 1:21 p.m.,
at the offices of Knox McLaughlin Gornall & Sennett,
PC, 120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

Richard P. v. School District

A000000333

Richard P. [REDACTED]

April 27, 2005

<p style="text-align: right;">Page 2</p> <p>1 For the Plaintiffs:</p> <p>2 Edward Olds, Esquire</p> <p>3 Carolyn Spicer Russ, Esquire</p> <p>4 1007 Mount Royal Boulevard</p> <p>5 Pittsburgh, PA 15223</p> <p>6 For the Defendants:</p> <p>7 James T. Marnen, Esquire</p> <p>8 Knox McLaughlin Gornall & Sennett, PC</p> <p>9 120 West 10th Street</p> <p>10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 RICHARD W. P. [REDACTED] first having</p> <p>2 been duly sworn, testified as follows:</p> <p>3</p> <p>4 CONTINUED DIRECT EXAMINATION</p> <p>5 BY MR. MARNEN:</p> <p>6</p> <p>7 Q. Mr. P. [REDACTED] just for the record, give me your</p> <p>8 name and address again, if you don't mind.</p> <p>9 A. Richard W. P. [REDACTED] -- William. I'm sorry. [REDACTED]</p> <p>10 [REDACTED] North East, PA 16428.</p> <p>11 Q. All right. And this is a continuation of a</p> <p>12 deposition we began a couple weeks ago; is it not?</p> <p>13 A. Yes.</p> <p>14 Q. I think it might have been April 5th. But it was</p> <p>15 a couple weeks ago.</p> <p>16 A. Somewhere in there, yeah.</p> <p>17 Q. Hopefully we'll finish today. I think all I want</p> <p>18 to ask you about is what has happened to R. [REDACTED] since she</p> <p>19 left Strong Vincent. That's where we left off, I think.</p> <p>20 A. Yes.</p> <p>21 Q. As I remember. Well, we all know by now that she</p> <p>22 went from Strong Vincent to Sarah Reed, correct?</p> <p>23 A. That is correct, yes.</p> <p>24 Q. And she finished the year at Sarah Reed in seventh</p> <p>25 grade. That would be roughly June of 2002.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF RICHARD P. [REDACTED]</p> <p>4 Continued Direct Examination by Mr. Marnen 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. True.</p> <p>2 Q. Okay. Could we walk through the schools where</p> <p>3 she's been. Do you think you could follow it through? You</p> <p>4 know, the approximate date she's been where. It was a</p> <p>5 little bit confusing when -- the record is a little bit</p> <p>6 confusing, and Rachel -- at least I was confused, maybe.</p> <p>7 A. Okay.</p> <p>8 Q. No one else was, but --</p> <p>9 MR. OLDS: Speak for yourself.</p> <p>10 Q. Okay. So she finished the year at Sarah Reed,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And then did she go to school during the summer of</p> <p>14 2002?</p> <p>15 A. Through the summer of 2002? I believe so, but I'm</p> <p>16 not -- I don't quite remember if -- if she was going to</p> <p>17 continue with the Sarah Reed program in the summer, but I</p> <p>18 think it was.</p> <p>19 Q. As I understand it, sometime that fall, in eighth</p> <p>20 grade, she went to Strong Vincent?</p> <p>21 A. Yes.</p> <p>22 Q. Did she go to Strong Vincent -- was that the first</p> <p>23 school she went to for the eighth grade?</p> <p>24 A. Yes.</p> <p>25 Q. And she was there about a week?</p>

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Richard P. [REDACTED]

April 27, 2005

<p style="text-align: right;">Page 6</p> <p>1 A. I would say about a week.</p> <p>2 Q. And then she had the incident where she was taken</p> <p>3 out of the school by Sergeant Slupski. Right?</p> <p>4 A. Yes.</p> <p>5 Q. And then where did she go from Strong Vincent?</p> <p>6 A. From Strong Vincent?</p> <p>7 Q. Yes.</p> <p>8 A. I'm trying to think here.</p> <p>9 Q. We're in eighth grade now. We're in the fall of</p> <p>10 '02.</p> <p>11 A. I believe she had originally started at Sarah Reed</p> <p>12 program again, if I remember correctly.</p> <p>13 Q. So from Strong Vincent back to Sarah Reed.</p> <p>14 A. Yes.</p> <p>15 Q. Then what was the next stop?</p> <p>16 A. If memory serves me correctly, I think that she</p> <p>17 had gone through the Sarah Reed program up until the -- I</p> <p>18 think almost till the end of her eighth grade year. Because</p> <p>19 she had -- yeah, I think that's what it was.</p> <p>20 Q. Almost to the end?</p> <p>21 A. I think it was almost to the end of it, yes.</p> <p>22 Q. Where did she go -- where did she finish out</p> <p>23 eighth grade?</p> <p>24 A. I'm thinking it was Hermitage House or Andromeda</p> <p>25 House. I know she went to Andromeda. I believe -- I think.</p>	<p style="text-align: right;">Page 8</p> <p>1 A. That's what I'm missing.</p> <p>2 Q. -- Abraxas Youth Center, right?</p> <p>3 A. Right. That's where she went for, I believe, her</p> <p>4 ninth grade. That's where I'm getting confused from. Thank</p> <p>5 you.</p> <p>6 Q. I have some notes here, and I'm not saying they</p> <p>7 are right. I just want to work with you on hem. Maybe it</p> <p>8 will help.</p> <p>9 My notes indicate that she went to Hermitage House</p> <p>10 after Sarah Reed. Hold on a second. I get mixed up too.</p> <p>11 Eighth grade would be 2002/2003.</p> <p>12 A. Yes.</p> <p>13 Q. Ninth grade, obviously, is '03/'04. Tenth</p> <p>14 grade -- maybe if we work backwards, is '04/'05. She's now</p> <p>15 in tenth grade, right?</p> <p>16 A. Yes.</p> <p>17 Q. She's at North East High School, right?</p> <p>18 A. Yes.</p> <p>19 Q. Has she been at North East High School the entire</p> <p>20 tenth grade?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. That one is easy. The tough one, I think,</p> <p>23 is ninth grade.</p> <p>24 A. Yeah. I believe if I'm -- when you mention</p> <p>25 Cornell Abraxas, I remember she was in Cornell Abraxas. And</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And so she finished eighth grade at one of those</p> <p>2 two places.</p> <p>3 A. I believe so, yes.</p> <p>4 Q. And then where did she go next?</p> <p>5 A. Pardon me?</p> <p>6 Q. Where did she go next?</p> <p>7 A. Then we're talking now the ninth grade year,</p> <p>8 correct?</p> <p>9 Q. I guess we are.</p> <p>10 A. That would be, I believe, the North East High</p> <p>11 School. I think.</p> <p>12 Q. Did she go to summer school at Sarah Reed?</p> <p>13 A. She did -- she did. I'm trying to remember which</p> <p>14 year that was that she went to summer school for Sarah Reed.</p> <p>15 But I can't -- I can't remember where she was at in seventh</p> <p>16 grade -- ninth grade. I can't remember.</p> <p>17 Q. Ninth grade, you can't remember where she was?</p> <p>18 A. I don't remember. Because, see, she kept bouncing</p> <p>19 into -- from one program; Hermitage House, Andromeda House.</p> <p>20 The dates get kind of -- run together.</p> <p>21 Q. Well, at some point she went to Abraxas, right?</p> <p>22 A. Yes.</p> <p>23 Q. A-B-R-A-X-A-S.</p> <p>24 A. That's correct, yes.</p> <p>25 Q. And I think the full name is Cornell --</p>	<p style="text-align: right;">Page 9</p> <p>1 I think that she went in there for her ninth grade year,</p> <p>2 because she had gotten into some kind of problems.</p> <p>3 Q. My notes say she was there in October of '03 for</p> <p>4 the first time. Does that make any sense to you?</p> <p>5 A. The first time?</p> <p>6 Q. Yeah. Abraxas --</p> <p>7 A. She was only in there one time.</p> <p>8 Q. For the only time.</p> <p>9 A. Yeah, that sounds about right.</p> <p>10 Q. That would be ninth grade, wouldn't it?</p> <p>11 A. Yes.</p> <p>12 MR. OLDS: Do you remember when she got out of</p> <p>13 there?</p> <p>14 THE WITNESS: She only went there for five months.</p> <p>15 Q. So it would be roughly October till about March?</p> <p>16 A. Yes.</p> <p>17 Q. So that means she didn't start the ninth grade at</p> <p>18 Abraxas. She was somewhere else before she was at Abraxas</p> <p>19 in ninth grade.</p> <p>20 A. Yes. It had to have been Sarah Reed.</p> <p>21 Q. Okay. So in ninth grade she started at Sarah</p> <p>22 Reed. She went there for a couple months, then she went to</p> <p>23 Abraxas.</p> <p>24 A. Yes.</p> <p>25 Q. And then she was there for five months. And then</p>

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<p style="text-align: right;">Page 10</p> <p>1 the spring of '04, she left Abraxas and went where? Back to</p> <p>2 Sarah Reed?</p> <p>3 A. Yes.</p> <p>4 Q. And then did she spend the summer at Sarah Reed?</p> <p>5 If you know.</p> <p>6 A. I don't think she went to -- no, she did not go to</p> <p>7 summer school for Sarah Reed. Not that year, no.</p> <p>8 Q. All right. So it would be the prior year, '03,</p> <p>9 that she went to summer school at Sarah Reed?</p> <p>10 A. Yeah, that sounds more correct to me.</p> <p>11 Q. So ninth grade, then, would have consisted of what</p> <p>12 schools, then? Ninth grade would be '03/'04. And -- let's</p> <p>13 put it this way: She testified that Abraxas turned her</p> <p>14 around. Do you agree with that?</p> <p>15 A. I -- I think that the program was beneficial to</p> <p>16 her. I think when you say the words "that turned her</p> <p>17 around", I don't -- in my opinion, I think it was more like</p> <p>18 that she was able to focus on what was -- what -- how do I</p> <p>19 want to say this more perspective? I think the Abraxas</p> <p>20 program directed her in a more positive way than the other</p> <p>21 places that she has been into.</p> <p>22 Q. Didn't solve all her problems, but it improved</p> <p>23 things.</p> <p>24 A. Yes. Yeah. That's a good way of putting it.</p> <p>25 Q. Okay. And I wasn't trying to force anything down</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. OLDS: He wants to know, really, what</p> <p>2 happened. What kind of stuff was she doing, what</p> <p>3 injuries. You know, that kind of stuff.</p> <p>4 THE WITNESS: Oh, okay.</p> <p>5 A. Well, she was very withdrawn, defiant. I even</p> <p>6 think scared. In those ways of being, it caused her to go</p> <p>7 into areas where she shouldn't have been into.</p> <p>8 Q. Was she, if you know, using drugs or alcohol?</p> <p>9 A. It was my understanding that she had been underage</p> <p>10 drinking and using some type of drugs.</p> <p>11 Q. What kinds of drugs? Do you know?</p> <p>12 A. I found out that she was using -- that she had</p> <p>13 used crack once. I believe smoking pot. But mainly</p> <p>14 drinking.</p> <p>15 Q. And how did you find this out?</p> <p>16 A. Well, when she was on probation, I mean, they</p> <p>17 would -- at one point her probation officer said that they</p> <p>18 followed her with an individual who had a bottle of, I</p> <p>19 think, whiskey or vodka or something like that. And they --</p> <p>20 and Rachel appeared to be intoxicated. They took Rachel,</p> <p>21 and they brought her back home. And that's one of the</p> <p>22 reasons that they would find out. But I guess they would</p> <p>23 have -- you know, they would have a certain area where they</p> <p>24 would watch for -- an area prone to kids for underage</p> <p>25 drinking and stuff like that.</p>
<p style="text-align: right;">Page 11</p> <p>1 your throat.</p> <p>2 A. Oh, no.</p> <p>3 Q. So between the time she left Strong Vincent in</p> <p>4 January of 2002 and the time she entered Abraxas in October</p> <p>5 of 2003, let's focus on that period of time. All right?</p> <p>6 A. Okay.</p> <p>7 Q. That is a year and nine months. It's about a year</p> <p>8 and a half. During that period of time, what kinds of --</p> <p>9 what kinds of problems were going on in Rachel's life? Have</p> <p>10 I been specific enough?</p> <p>11 A. If I'm understanding what you're asking me, are</p> <p>12 you asking me what was she going through legally? Like</p> <p>13 legal problems or --</p> <p>14 Q. No, I mean emotionally and any social problems she</p> <p>15 had, such as legal problems.</p> <p>16 A. And you do mean before she went to Abraxas,</p> <p>17 correct?</p> <p>18 Q. Yes. I mean between the time she left Vincent and</p> <p>19 the time she entered Abraxas. About a year and a half</p> <p>20 period of time.</p> <p>21 A. I think that a lot of her -- a lot of her --</p> <p>22 MR. OLDS: First of all, he wants to know like</p> <p>23 what happened.</p> <p>24 Q. Yes, I don't mean -- if you were going to give an</p> <p>25 explanation as to why, but --</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. So do you know, of your own knowledge, did you see</p> <p>2 her ever under the influence of drugs or alcohol?</p> <p>3 A. Yes.</p> <p>4 Q. Was that during that year and a half period of</p> <p>5 time between Vincent and Abraxas?</p> <p>6 A. Yes.</p> <p>7 Q. Give me an idea of how many times.</p> <p>8 A. Oh, it was so many times.</p> <p>9 Q. Many times?</p> <p>10 A. Yeah, I guess she would sneak out of the house. I</p> <p>11 didn't know she was doing it at the point. Of course, I</p> <p>12 would go out and look for her and find her and know she had</p> <p>13 been doing something.</p> <p>14 Q. I am not trying to invade your privacy, but was</p> <p>15 she getting any alcohol from you and your wife?</p> <p>16 A. Oh, no. We don't have any alcohol in our house.</p> <p>17 We don't drink.</p> <p>18 Q. You don't drink at all?</p> <p>19 A. Hum-um.</p> <p>20 Q. So she was getting the substances outside of the</p> <p>21 house.</p> <p>22 A. Yes.</p> <p>23 Q. All right.</p> <p>24 A. I might add that my wife and I do not -- we</p> <p>25 strongly are opposed to alcohol. That's something we don't</p>

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Richard P. [REDACTED]

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1 do.

2 Q. And R [REDACTED] is well aware of that?

3 A. Yes.

4 Q. Between the time she left Vincent and the time she
5 entered Abraxas, did she have any criminal problems?6 A. I believe so. She was -- it's hard to pinpoint
7 these -- this specific period of time, but I believe she
8 was -- had been -- how -- what do I say? Her probation
9 officer, which I believe is Julie Strickenberger, had on
10 numerous occasions either gotten house arrest for either
11 assaulting her mother, or she had gotten defiant behavior;
12 breaking the house -- house arrest rules [sic].

13 Q. At places she was living at?

14 A. Pardon me?

15 Q. At places where she was living, you mean?

16 A. Yeah. Like -- well, when she was living at my
17 house, she was under house arrest, where -- she could have
18 violated her probation. And obviously when she broke house
19 arrest, that would cause her to either get extended house
20 arrest, or she would have to write some sort of paper or
21 something.22 But eventually it led up to a point where she got
23 placed in Abraxas. And -- but I don't remember the exact
24 specific manner in which she got placed.

25 I know there was incidents where she got taken

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1 down right inside the probation office, because -- I think
2 it was at the point where -- where she had admitted hitting
3 her mother.4 Q. What kinds of crimes was she charged with during
5 that period of time?6 A. I think assault -- I think simple assault, but I'm
7 not sure.8 Q. When I talked with R [REDACTED], she mentioned underage
9 drinking, threatening a police officer, and shoplifting.
10 Does any of that ring a bell?11 A. The shoplifting, she was guilty by association,
12 although she was never charged with shoplifting.

13 Q. Okay. She wasn't charged.

14 A. I don't think, no, huh-uh.

15 Q. What was she charged with?

16 A. Oh, underage drinking, violating probation. I
17 can't remember all the stuff she --

18 Q. Threatening a police officer?

19 A. Yeah. That -- well, that -- yeah, I think that's
20 the one where she had threatened -- oh, man, I can't
21 remember his name.

22 Q. Slupski?

23 A. No, not -- well, that, she was charged with. But
24 there was another incident where she would -- when we lived
25 on 732 East 10th Street, where she was getting out of

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1 control, very violent, and her mother had called the police,
2 and she was taken away at that point, I think. Because they
3 arrested her. She got in a confrontation with her mother.
4 I don't remember when that was either. I think that was on
5 her sister's birthday, if I remember rightly, but I'm not
6 real sure.7 Q. I have medical records indicating she was a
8 psychiatric inpatient in Millcreek Community Hospital on two
9 occasions in March, April of '02 and in June of '02. Does
10 that jibe with your memory?11 A. The March does for sure. And the first of
12 June one, I'm not -- I know she was there, but I couldn't
13 tell you if it was June or not.14 Q. And the March one, that was when she tried to --
15 she threatened to stab herself and then stabbed you?

16 A. She stabbed me, yes.

17 Q. Then the other one, she had gotten in an argument
18 with her mother and she tried to bite her and otherwise
19 assault her?

20 A. Yes.

21 Q. Has she been a psychiatric inpatient on any other
22 occasions since she left Strong Vincent in January of 2002?
23 And "inpatient", I mean staying overnight.24 A. Right. Hard to remember all this. I believe so,
25 but I can't quite put my finger on it. Because everything

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1 seems to ramble together, you know.

2 Q. Does R [REDACTED] still see mental health counselors
3 today?

4 A. Yes.

5 Q. Who does she see?

6 A. Her ICM caseworker, which is intensive case
7 management, and that would be Lori Bizzarro.

8 Q. Lori Bizzarro.

9 A. Um-hum. And also her mobile therapist, which
10 is -- her name is Linda Kray. And I believe --

11 Q. C-R-A-Y?

12 A. No, I believe it's K-R.

13 Q. Kray? But it is Kray, not Klay?

14 A. Kray. Also, she now has a TSS worker, which is
15 therapeutic support staff, and her name is Lori, but I'm not
16 sure what her last name is.17 MR. MARNEN: Do you mind if we ask R [REDACTED], Ed,
18 right now?

19 MR. OLDS: No, go ahead.

20 MR. MARNEN: R [REDACTED], do you know her last name?

21 RACHEL P [REDACTED] I know her first name is Nicole.

22 MR. MARNEN: It's Nicole? It's not Laurie?

23 RACHEL P [REDACTED] No.

24 MR. MARNEN: You don't know her last name?

25 RACHEL P [REDACTED] No.

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Richard P. [REDACTED]

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<p style="text-align: right;">Page 18</p> <p>1 BY MR. MARNEN:</p> <p>2 Q. Mr. P. [REDACTED] what organization is the TSS worker</p> <p>3 with?</p> <p>4 A. The TSS worker comes out of Stairways.</p> <p>5 Q. Where does the mobile therapist come from?</p> <p>6 A. Also out of Stairways.</p> <p>7 Q. How about the ICM worker?</p> <p>8 A. Base Service Unit for Mental Health.</p> <p>9 Q. I'm sorry, what?</p> <p>10 A. Base Service Unit for Mental Health. Or CII.</p> <p>11 Q. What does CII mean?</p> <p>12 A. Community Immigration (sic).</p> <p>13 Q. Integration?</p> <p>14 A. I can't remember what the other word is.</p> <p>15 Q. Interventionalist?</p> <p>16 A. I don't know.</p> <p>17 (Discussion held off the record.)</p> <p>18 Q. Is Base Service Unit, is that a governmental</p> <p>19 organization, or what is it?</p> <p>20 A. I honestly don't know.</p> <p>21 MR. OLDS: I think that, recalling back my old</p> <p>22 days, Base Service is part of the Mental</p> <p>23 Health/Mental Retardation, which is County, but</p> <p>24 then funded by the State. So usually -- and the</p> <p>25 Base Service Unit is locally, you know -- they are</p>	<p style="text-align: right;">Page 20</p> <p>1 since she's been doing so well over the last six-month</p> <p>2 period, you know, they shortened it down, and this is what</p> <p>3 we have left.</p> <p>4 Q. The last six months, she's been doing real well?</p> <p>5 A. Yeah, I think it's been about six months since</p> <p>6 she's been on Life Team, I believe.</p> <p>7 Q. What is the Life Team?</p> <p>8 A. Life Team is a group of counselors and doctors and</p> <p>9 therapists come together to decide how to get an individual</p> <p>10 in more productive -- you know, working in the community or</p> <p>11 doing something positive, in a directed way.</p> <p>12 Q. Is that in the Base Service Unit at 26th Street?</p> <p>13 A. Yeah, but they meet in different areas. Like</p> <p>14 sometimes if -- they meet right at the Base Service Unit on</p> <p>15 26th Street, other times they meet at the Stairways unit.</p> <p>16 And --</p> <p>17 Q. Does Rachel actually see those people?</p> <p>18 A. Oh, yes.</p> <p>19 Q. Does she see them all at one time?</p> <p>20 A. In the Life Team meeting, yes. She's part of a</p> <p>21 team. Or was part of the team.</p> <p>22 Q. Okay.</p> <p>23 A. And I might add also that, you know, in the Life</p> <p>24 Team itself, that -- in a case for when she went back to</p> <p>25 Strong Vincent that one week, the School District was part</p>
<p style="text-align: right;">Page 19</p> <p>1 local places.</p> <p>2 MR. MARNEN: I think you're right, now that --</p> <p>3 you're ringing bells now.</p> <p>4 MR. OLDS: Part of the MH/MR.</p> <p>5 MR. MARNEN: Right.</p> <p>6 Q. Is she still seeing a psychiatrist?</p> <p>7 A. Yes.</p> <p>8 Q. Who does she see?</p> <p>9 A. Dr. Wilson.</p> <p>10 Q. Is that Robert Wilson?</p> <p>11 A. I don't know his first name.</p> <p>12 Q. Okay. I have got some medical records from a</p> <p>13 Robert Wilson.</p> <p>14 A. That would probably be him, then.</p> <p>15 Q. That would be him? Where does she see him?</p> <p>16 A. At the Base Service Unit on 26th Street.</p> <p>17 Q. Does she see any psychologists?</p> <p>18 A. I don't think so.</p> <p>19 Q. Does she see any mental health counselor, social</p> <p>20 worker types?</p> <p>21 A. Well, that would fall --</p> <p>22 Q. Of course, we have all these other three people.</p> <p>23 A. Yeah. She has those, but see, she -- they just</p> <p>24 released her not too long ago from the Life Team Project,</p> <p>25 which was a vast amount of people. Now they got -- and</p>	<p style="text-align: right;">Page 21</p> <p>1 of that Life Team meeting at that point and also with the</p> <p>2 probation department. They bring everybody in for their</p> <p>3 inputs.</p> <p>4 Q. So let me, if you don't mind, see if we can put</p> <p>5 down together a list of institutions where she's received</p> <p>6 services.</p> <p>7 A. Um-hum.</p> <p>8 Q. She clearly has been at the Millcreek Community</p> <p>9 Hospital.</p> <p>10 A. Yes.</p> <p>11 Q. She's been to the Base Service Unit.</p> <p>12 A. Yes.</p> <p>13 Q. And that is on West 26th Street?</p> <p>14 A. Yes. Also on West 8th Street. Pittsburgh Avenue.</p> <p>15 Comes out of two places.</p> <p>16 Q. And then she has also been to Stairways.</p> <p>17 A. Yes.</p> <p>18 Q. And she's been at Andromeda House and Hermitage</p> <p>19 House and Abraxas and Sarah Reed. Right?</p> <p>20 A. (Witness nods head.)</p> <p>21 Q. Yes?</p> <p>22 A. Oh, I'm sorry.</p> <p>23 Q. And all those places, she received not just</p> <p>24 therapeutic treatment, but also schooling?</p> <p>25 A. Yes.</p>

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Richard P. [REDACTED]

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<p style="text-align: right;">Page 22</p> <p>1 Q. Have we covered the educational type of</p> <p>2 institutions, all of them?</p> <p>3 A. To the best of my knowledge.</p> <p>4 Q. Andromeda, Hermitage, Abraxas, Sarah Reed. Any</p> <p>5 others?</p> <p>6 A. Unless you include Rape Crisis, which is now</p> <p>7 called Crime Victims.</p> <p>8 Q. Rape Crisis. Good point. She's been there too.</p> <p>9 Has she been at any medical facilities besides Stairways</p> <p>10 Base Service Unit and Millcreek Community Hospital?</p> <p>11 A. No. Not that I remember of.</p> <p>12 Q. Okay. Is she still taking medication?</p> <p>13 A. Yes.</p> <p>14 Q. What is she taking?</p> <p>15 A. Zyprexa.</p> <p>16 Q. Zyprexa.</p> <p>17 A. Yes.</p> <p>18 Q. Z-Y-P-R-E-X-A or something like that?</p> <p>19 A. Something like that. I'm not sure.</p> <p>20 Q. And what else?</p> <p>21 A. I believe it's birth control pills.</p> <p>22 Q. Birth control pills?</p> <p>23 A. Yes. But the birth control pills are basically</p> <p>24 not for obvious reasons; the birth control. It's because it</p> <p>25 helps reduce the nose bleeds that she gets from her HHT.</p>	<p style="text-align: right;">Page 24</p> <p>1 There are two different types. The male form usually get</p> <p>2 scars, and the body gets like --</p> <p>3 Q. Scars easily?</p> <p>4 A. Yeah, it scars real easy. In the female, they get</p> <p>5 black and blue marks, usually in the forearms. They can get</p> <p>6 them in the base of the calves. They black and blue real</p> <p>7 easily.</p> <p>8 Q. So she takes birth control pills for that?</p> <p>9 A. Yeah. Actually, oddly enough, it's a birth</p> <p>10 control pill, but there's something that creates --</p> <p>11 Q. Contraction of the capillaries?</p> <p>12 A. Yeah. And so it -- HHT, you can -- she can be</p> <p>13 sitting there, and if -- let's say the temperature of this</p> <p>14 room drops maybe ten -- you know, five, seven degrees, her</p> <p>15 nose could start bleeding instantly. You know? She has</p> <p>16 nose bleeds, I think, generally every day.</p> <p>17 Q. Does she have more problems in some kind of</p> <p>18 weather than other kinds of weather?</p> <p>19 A. I'm going to say yes. Because when we were in</p> <p>20 Arizona, I don't remember her having as many nose bleeds as</p> <p>21 we do living here.</p> <p>22 Q. So cold weather seems to aggravate it?</p> <p>23 A. I think it does a lot. But, now, if you go</p> <p>24 from -- let's say she goes outside, and -- in my wife's</p> <p>25 case, anyways, you go from outside, the car is all nice and</p>
<p style="text-align: right;">Page 23</p> <p>1 That's why she gets that medicine.</p> <p>2 Q. What is the condition? HAT?</p> <p>3 A. Hemorrhagic hereditary telangiectasia.</p> <p>4 Q. Boy, oh boy.</p> <p>5 A. Don't ask me how to spell it. I don't know.</p> <p>6 Hemorrhagic hereditary telangiectasia. HHT for short. If</p> <p>7 you want to find good information, I'd go to the website,</p> <p>8 HHT Foundation. Based out of Cleveland.</p> <p>9 Q. Let's call it HHT. What is HHT?</p> <p>10 A. HHT is a bleeding disorder that -- that the</p> <p>11 capillary veins are extremely close to the -- to the skin.</p> <p>12 Q. Right.</p> <p>13 A. And they easily break.</p> <p>14 Q. Right.</p> <p>15 A. And it causes -- in the female, it causes -- they</p> <p>16 usually get the breaking in the skin and underneath the lip.</p> <p>17 Q. Yes.</p> <p>18 A. It gets into the lung, the heart, the brain. And</p> <p>19 it causes a lot of -- a lot of bleeding. Usually treatment</p> <p>20 is blood transfusion, iron fusion, which is one of the</p> <p>21 reasons why my wife -- she got -- she got the more severe</p> <p>22 case.</p> <p>23 Q. Schelly has that too?</p> <p>24 A. She has it in a real bad way. And my daughter</p> <p>25 Marissa also has it. My son shows the male form of it.</p>	<p style="text-align: right;">Page 25</p> <p>1 warmed up, you go in there, wham, she's got another nose</p> <p>2 bleed. And sometimes it bleeds horribly bad.</p> <p>3 Q. Okay. Is she taking any drugs besides Zyprexa and</p> <p>4 birth control pills?</p> <p>5 A. No.</p> <p>6 Q. Has she in the past taken any other kinds of</p> <p>7 drugs?</p> <p>8 A. You mean like street drugs or --</p> <p>9 Q. No. I don't mean that. I mean prescription</p> <p>10 drugs. And I have some notes here. Let me look at them.</p> <p>11 It might help you. My notes say that at some point she was</p> <p>12 taking Zoloft?</p> <p>13 A. Yes.</p> <p>14 Q. For depression and anxiety?</p> <p>15 A. Yes.</p> <p>16 Q. Does that ring a bell?</p> <p>17 A. Yeah, I believe that was --</p> <p>18 Q. Any idea long how long she was taking Zoloft?</p> <p>19 A. Not very long. It didn't seem to have the -- it</p> <p>20 didn't seem to work for her.</p> <p>21 Q. She was also taking, I think, Celexa, C-E-L-E-X-A.</p> <p>22 Do you remember that?</p> <p>23 A. Yeah, I remember that.</p> <p>24 Q. Is it an anti-depressant?</p> <p>25 A. I think so, but I'm not a hundred percent sure.</p>

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Richard P. [REDACTED]

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1 Q. She was also taking Risperdal, R-I-S-P-E-R-D-A-L?

2 A. Yes.

3 Q. What was that for, do you know?

4 A. If I remember correctly -- I'm not a hundred

5 percent sure. But if I remember correctly, it was more

6 for -- she was taking it for -- to help stabilize, like, her

7 mood, I believe, if I remember right.

8 Q. For depression?

9 A. Not really depression. I don't remember --

10 Q. For anxiety?

11 A. I think it was more like a mood -- supposedly for

12 a mood stabilizer. I tried to get them to get her on

13 Depakote.

14 Q. Depakote. D-E-P-A-K-O-T-E?

15 A. That's correct. I tried to have them get her on

16 that, but they refused to do so.

17 Q. I found in my notes Zyprexa, and I looked this up

18 before. It's Z-Y-P-R-E-X-A. And my notes also say at some

19 point she was taking Effexor, E-F-F-E-X-O-R.

20 A. Yes. I remember that too.

21 Q. Why was she taking that?

22 A. I think that was for the anxiety and depression.

23 Q. Okay.

24 A. She was diagnosed with PTSD [sic], posttraumatic

25 stress disorder.

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1 Q. Right. She was also diagnosed with major

2 depression?

3 A. Yes.

4 Q. And she was diagnosed with ODD; opposition defiant

5 disorder?

6 A. Defiant disorder, yes.

7 Q. Have we covered them all, do you know?

8 A. To the best of my knowledge, I think. But I think

9 that there seems to be something more, but I can't

10 remember --

11 Q. Dysthymia?

12 A. Yeah.

13 Q. D-Y-S-T-H-Y-M-I-A?

14 A. Yeah.

15 Q. That's sort of depression and melancholy, isn't

16 it?

17 A. Right. And if I remember correctly -- I'm not

18 really sure a hundred percent, but I believe at one point

19 they had her on Haldol.

20 Q. What was it?

21 A. Haldol, H-A-L-D-O-L, I believe.

22 Q. What is that, Richard?

23 A. That is a medicine for -- oh, man, what was it --

24 I think that came from the hospital, if I remember right. I

25 can't remember. But I think she was on Haldol at one point.

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1 MR. OLDS: It's an antipsychotic medication, I

2 think. I'm not a doctor, but I think that's what

3 that is.

4 Q. The records also indicate at one point they gave

5 her Thorazine?

6 A. Yeah.

7 Q. That was to calm her down when she came in, in

8 June of '02 all worked up?

9 A. Right.

10 Q. That's when she attacked your wife; her mother.

11 Is that right?

12 A. Yeah.

13 Q. Thorazine calms you down?

14 A. Yeah.

15 Q. You had no idea until you met with Janet Woods on

16 January 10, 2002, that R [REDACTED] had been raped. Isn't that an

17 accurate statement?

18 A. That's true.

19 Q. Okay. And her conduct prior to the time you were

20 told about that on January 10, 2002, was it troublesome to

21 you at all?

22 A. It was very troublesome, yeah.

23 Q. How was it troublesome to you?

24 A. Well, from the time that it happened --

25 Q. From the time of the rape, you mean?

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1 A. Um-hum. Yes. Until the point where I found out

2 about it, I -- I saw my daughter spiralling downward in an

3 emotional landslide. And at one point -- you know, I mean,

4 it was getting to the point where I couldn't figure out what

5 was wrong with her. And so I had called my mom, you know --

6 because my mom is really -- you know, my parents are always

7 there for us, hundred percent, bar none. And I said to my

8 mom, you know -- because this is my 13 -- daughter, you

9 know, and I'm like thinking maybe it was something that

10 girls go through. You know. And my mom said, no, that

11 doesn't sound like something, you know -- she said, that

12 sounds more severe. And she had noticed that my daughter

13 was going in a downward spiral too. And every time I tried

14 to, you know, talk to her about it, she would just get real

15 angry.

16 Q. How was she manifesting this downward spiral?

17 Anger was one way?

18 A. Anger was one way.

19 Q. Was defiance another way?

20 A. Very defiant. Very defiant. Depressed,

21 withdrawn.

22 Q. And this is between the time of the rape and the

23 time Janet Woods told you there was a rape?

24 A. Yeah.

25 Q. Have we covered the gamut now of all the symptoms

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Richard P. [REDACTED]

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1 she was showing you during that period of time?

2 A. I'm trying to think, looking back on it. She

3 would -- she would -- she kept saying that, I hate all

4 humans. I mean, she made it very clear that she didn't like

5 humans. That's the way she spoke.

6 Q. Before she went to Strong Vincent in seventh

7 grade, tell me about her personality. What was --

8 A. Before she went to Strong Vincent?

9 Q. Yes.

10 A. Her personality was gentle. She was easily going

11 (sic), she was pleasant.

12 Q. Was she talkative, or was she quiet?

13 A. I consider R [REDACTED] more of a quiet child. But, I

14 mean, if she wanted something or didn't understand

15 something, she would more or less -- the teachers would

16 always tell me that she would raise her hand, ask questions.

17 So she knew that she always had to ask. If she had trouble

18 with a math problem, (indicating).

19 Q. And before she went to Strong Vincent in seventh

20 grade, she had no mental health problems?

21 A. No.

22 Q. And she was -- she was quiet, but she was gentle

23 and pleasant, basically, right?

24 A. Yes.

25 Q. After the rape, that changed. She became

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1 depressed, angry, withdrawn, combative.

2 A. Yes.

3 Q. Have I covered it all?

4 A. Yeah.

5 Q. You find out about it from Janet Woods January 10,

6 2002. She goes to Sarah Reed. Did she become worse at

7 Sarah Reed or stay about the same?

8 A. I think it added to the problem.

9 Q. You think going to Sarah Reed added to the

10 problem?

11 A. In my opinion, yeah.

12 Q. Because she resented going to Sarah Reed?

13 A. She resented it very deeply.

14 Q. Did she articulate that to you? Did she tell you

15 that; that she resented going to Sarah Reed?

16 A. She said, I don't understand why I'm here. You

17 know, she said, I didn't do anything wrong. I mean, she was

18 very -- she even told the staff at Sarah Reed that. She

19 said, why am I -- you know, she said, I'm not supposed to be

20 here. And she -- for a period of time when Sarah Reed

21 was -- she was just so -- in a tailspin. And she was angry.

22 Q. Richard, did you at some point after the rape

23 approach Vikki Scully at Strong Vincent about getting Rachel

24 into the SAP program?

25 A. I'm sorry; what?

Page 32

1 Q. Did you approach Vikki Scully, the teacher at

2 Strong Vincent, after the rape -- you didn't know a rape had

3 happened. But after her mood started going south, did you

4 approach Ms. Scully and talk to her about getting into the

5 SAP program or getting her some mental health attention at

6 school?

7 A. Yeah. I -- I had talked to her teacher -- I'm not

8 sure which one it was.

9 Q. All right.

10 A. But I did -- because she was going -- I didn't

11 understand what was going on with her. I was concerned,

12 because -- I have always been that way with my kids. If

13 something doesn't feel right or something doesn't -- I'm on

14 top of that. You know, bar none, I'm there.

15 Q. Was this after the rape that you did this?

16 A. No --

17 Q. In retrospect. I know you didn't know a rape

18 happened --

19 A. No, I didn't know a rape happened. But I think it

20 was before that, because she was -- it wasn't in her nature

21 to be sad. She just wasn't -- you know, she -- there was a

22 period -- when I went to the -- and I think it was -- and I

23 think that was the time when I actually talked to a

24 teacher -- I mean, I think I did it just before or just

25 after. I can't remember the time period on that. But there

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1 was a -- there was someone I talked to --

2 Q. Just before or just after the rape?

3 A. No, of the parent/teacher conference.

4 Q. Okay.

5 A. And I -- she was -- my daughter was like sad. I

6 mean, I don't really know how to -- and then -- and they

7 said, well we can put her in a program that would -- she

8 said she had noticed that Rachel was getting kind of

9 distant.

10 Q. Okay. Did they put her in a program?

11 A. I don't know. I know I had asked for it, but I

12 don't know if it -- and I don't remember if they did or not.

13 I do remember that I talked to -- I'm just guessing, but I'm

14 not really sure. But I think I talked to Chris Ruhl about

15 that, but I'm not really a hundred percent sure if it was

16 him I talked to. I know I talked to a guy.

17 Q. So you talked to a teacher who was a woman?

18 A. No, I went to -- I went physically there to talk

19 to someone, and then I talked to someone on the phone.

20 Q. Right.

21 A. About it.

22 Q. And you also talked to Chris Ruhl?

23 A. Yeah, I believe -- I believe it was him. I'm not

24 a hundred percent sure of that.

25 Q. And you don't know if anything happened, not

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Richard [REDACTED]

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1 because it didn't happen, but because you have forgotten? I
2 didn't express that very well. Let me try again.

3 You said you didn't know. I got the impression
4 you said that you don't remember now whether anything
5 happened; not that no one ever told you whether anything
6 happened or not.

7 A. Well, no. I mean, I think they -- I think what it
8 was -- what it was -- my interpretation was that they were
9 going to -- that they were going to evaluate it to see
10 what -- you know, to see if she belonged -- you know, would
11 fit with that program. But I -- it wasn't too long after
12 that, that she went full-blown out of control. And then --

13 Q. Did she go full-blown out of control before
14 Ms. Woods told you there had been a rape?

15 A. Before that?

16 Q. Yeah.

17 A. Oh, yeah.

18 Q. Did she go full-blown out of control before
19 Christmas vacation?

20 A. Yeah. Yeah.

21 Q. How did she manifest the being out of control?

22 A. Oh, man. She started screaming, she started -- at
23 one point, you know, we were losing her fast. And I -- you
24 know, looking back on it, the telltale signs were there.

25 You know? But as you're going through it, you don't really

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1 understand what's happening. There was -- right after the
2 first incident, which I called November 27th, but right
3 after that time period, we went into -- she went into a
4 sharp decline in behavior. Her school work was out -- out
5 of sync. I mean, everything was falling apart fast. And I
6 had made inquiries about what was going on with her, but I
7 wasn't getting anywhere.

8 So I then -- after January 10th was when I had the
9 meeting with Miss Woods, you know. That's when I found out
10 everything, and I started piecing together, okay, well, this
11 is what --

12 Q. After January 10th, did [REDACTED] get worse?

13 A. Yeah. She started getting worse, yeah.

14 Q. In what way did she get worse?

15 A. I think she got just bitter and angry towards
16 everybody in the whole world. I --

17 Q. She lived at home with you, right?

18 A. Yes.

19 Q. And went to Sarah Reed?

20 A. Yes.

21 Q. Until at some point she was placed at either
22 Andromeda House or Hermitage. I can't remember which one.
23 Right?

24 A. Yes, that's correct.

25 Q. And she lived at that place?

Page 36

1 A. Yes.

2 Q. Did she live at both Hermitage House and Andromeda
3 House?

4 A. Yes.

5 Q. Why was she living at both of those places?

6 A. Well, for one reason, my understanding, that's an
7 inpatient treatment. Secondly, we lived a distance away
8 from it. So -- but I don't -- even if you live right across
9 the street, I don't think they allow you out. Only if --
10 like as time progresses, they give you home visits.

11 Q. Did she ever live at Sarah Reed?

12 A. No, she never lived at Sarah Reed.

13 Q. But she lived at Abraxas, right?

14 A. Yes.

15 Q. That's way down in Central Pennsylvania.

16 A. Yes.

17 Q. You said that -- a little while back -- and I tend
18 to get off on detours, I know, and get -- run off on
19 tangents. But you said that she resented being at Sarah
20 Reed because she did nothing wrong. Right?

21 A. Yeah.

22 Q. Was she having any disciplinary problems at Sarah
23 Reed in seventh grade, that you know of?

24 A. In Sarah Reed?

25 Q. Yes, sir.

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1 A. Yeah, she was very -- she was in physical
2 restraints. I mean, she was just defiant. I mean -- and I
3 think the way she was thinking is that the people who did
4 that should have been there, not her. I think that's the
5 way she --

6 Q. Did she say it that way?

7 A. I remember her saying -- I remember her saying to
8 some -- to -- about -- she just kept quiet about why she was
9 there. Why not -- why not the other people. She didn't do
10 anything wrong.

11 Q. Was she aware of the fact that the other people
12 ended up in the criminal justice system?

13 A. Yes.

14 Q. She testified at at least one hearing, didn't she?

15 A. That's correct, yes.

16 Q. Did she testify at more than one?

17 A. No, but -- I don't think so. Because I think what
18 happened was that she was -- she was going to be in
19 testifying against them, but she was in -- either in
20 Hermitage House or Andromeda House. And, therefore, they
21 didn't bring her -- they didn't transport her in to testify.

22 Q. Did somebody keep you up to date on what was going
23 on with those criminal actions against the three assailants?

24 A. Yeah. I think her name was Raylene Lowman,
25 Lawman.

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1 Q. Is that someone in the County juvenile probation
2 office?

3 A. No, I don't think so. I think she -- I can't
4 remember where she -- she's in the court system. And I
5 think -- if I remember correctly, I think she's in some kind
6 of Victim Rights or something like that.

7 Q. Makes sense. Okay. Were you attending the
8 hearings?

9 A. Oh, yeah.

10 Q. Did your wife go with you?

11 A. No.

12 Q. But you were always at those hearings -- every one
13 of those hearings you attended?

14 A. Yes.

15 Q. And the Victim Rights person told you when the
16 hearings would be, and you would go?

17 A. Yes.

18 Q. How many hearings did [REDACTED] testify at?

19 A. One, that I remember of.

20 Q. Which one was that?

21 A. I believe that was against A. [REDACTED] K. [REDACTED] I
22 think that was A. [REDACTED] -- no, maybe it might have been B. [REDACTED]
23 C. [REDACTED] Not -- don't remember.

24 Q. Do you know whether any of those kids pleaded
25 guilty or whatever they call it in the juvenile system?

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1 A. I think all of them did. Except for C. [REDACTED]
2 B. [REDACTED] He was very defiant about that.

3 Q. Right. And B. [REDACTED] actually had a hearing, right?

4 A. Yeah.

5 Q. So wouldn't R. [REDACTED] have testified there?

6 A. No. I believe she was also -- I think at that
7 point, if I remember right, I think she was in Edmund L. at
8 that point.

9 Q. All right.

10 A. If I remember right.

11 Q. R. [REDACTED] also experienced some criminal justice
12 problems after going to Sarah Reed?

13 A. Yes.

14 Q. And we talked about the shoplifting with which she
15 was not charged, you said.

16 A. Yeah -- no, she wasn't charged.

17 Q. But she was charged with some things. One was
18 underage drinking?

19 A. Yes.

20 Q. And was she ever charged with possession or
21 whatever they call it of drugs?

22 A. I don't think she was actually charged with
23 possession of drugs, but they did find it in her system.

24 Q. Okay. Was she charged with anything else you can
25 think of, like assault, anything like that?

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1 A. Well, she's been in trouble many times for -- as
2 far as assaultive behaviors.

3 Q. I'm trying to distinguish, though, between
4 discipline at the school she was attending and criminal
5 justice system discipline. Okay? Can we draw that
6 distinction?

7 A. Yeah, I realize that. But I'm just trying to
8 remember each incident.

9 Q. There were a number of incidents?

10 A. There was -- there was some. I don't remember
11 all. I'm trying to think -- I know that she was in trouble
12 for when she almost hit the probation officer. And there
13 was incidences where --

14 Q. May I get the medical records a second? I'd like
15 to review them.

16 (Discussion held off the record.)

17 (Recess held from 2:08 p.m. till 2:13 p.m.)

18 (Defendant's Deposition Exhibit P
19 marked for identification.)

20 Q. Mr. P. [REDACTED], let me show you what has been marked
21 as Exhibit P. I got this from your attorney. This is a
22 medical record, it looks like, from Community Integration,
23 Incorporated. Who were they? You gave me a bunch of names
24 before and it doesn't seem to match it.

25 MR. OLDS: He mentioned CII.

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1 MR. MARNEN: You're right, he did.

2 Q. This is CII, right?

3 A. Yes.

4 Q. Okay. It's in handwriting, unfortunately. But if
5 you look at the top, it says 9/19/03, or September 19, '03.
6 Do you see that?

7 A. Yes.

8 Q. Time is 2:30 p.m. Presenting problem, it reads,
9 "Suspended 8/29/03 for indecent exposure. Picked up by
10 police." I can't read the next word. Next couple words.
11 "8th and Parade. Had already been on house arrest.
12 Suspected prostitution at that time." Do you see that?

13 A. Yes.

14 Q. What is this incident about?

15 A. She had left -- I believe it was a -- if my memory
16 serves me correctly, I think that she had left Sarah Reed.
17 But, actually, they dropped the suspected --

18 Q. Prostitution?

19 A. They dropped that, because there wasn't -- it
20 wasn't true. And secondly -- and then the -- for the
21 indecent exposure, she flashed herself at a student, I
22 guess, in Sarah Reed, if I remember right.

23 Q. She flashed?

24 A. Herself.

25 Q. Is that what you said?

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<p style="text-align: right;">Page 42</p> <p>1 A. Yeah. F-L-A-S --</p> <p>2 Q. Right. She exposed herself.</p> <p>3 A. Yeah. In Sarah Reed.</p> <p>4 Q. Do you know whether that was true or not, or was</p> <p>5 it --</p> <p>6 A. Well, that was -- that was my understanding of</p> <p>7 what they said happened.</p> <p>8 Q. She did, in fact, do it?</p> <p>9 A. That, I believe, is true.</p> <p>10 Q. But the prostitution was dropped.</p> <p>11 A. That was dropped.</p> <p>12 Q. Because that was not true.</p> <p>13 A. That was not true, right.</p> <p>14 Q. After -- and I apologize to you for bringing this</p> <p>15 up, but I guess I have to. After she went to Sarah Reed,</p> <p>16 did she have a problem with promiscuity?</p> <p>17 A. You mean --</p> <p>18 Q. Did she become sexually active?</p> <p>19 A. You know, she didn't become sexually active. But</p> <p>20 I talked to a Rape Crisis counselor, which was Denise. And</p> <p>21 because -- and she did these, you know, things sometimes, as</p> <p>22 far as you know, in Sarah Reed and stuff like that. I asked</p> <p>23 the Rape Crisis counselor, I said, you know, I don't</p> <p>24 understand why she would, you know, do -- it is</p> <p>25 embarrassing. I said, I don't understand why she would do</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. The exposing herself, you mean?</p> <p>2 A. Yeah. It was humiliating for me.</p> <p>3 Q. I'm not sure you ever answered my question,</p> <p>4 though. Did she become sexually active after --</p> <p>5 A. No, huh-uh.</p> <p>6 Q. No? Okay. How do you know that?</p> <p>7 A. Because I just -- I just believe that.</p> <p>8 Q. Have you ever talked about that with any therapist</p> <p>9 that has been treating Rachel?</p> <p>10 A. If she was sexually active?</p> <p>11 Q. Yeah.</p> <p>12 A. No.</p> <p>13 Q. Have you ever talked about that with Rachel?</p> <p>14 A. No, I don't think so.</p> <p>15 Q. So you're going on faith right now?</p> <p>16 A. Well, yeah. I mean -- you know --</p> <p>17 Q. I'm a lawyer. I've got to ask these questions.</p> <p>18 A. Sure, that's fine. That's fine. I'll answer</p> <p>19 them. But, I mean, I'm just telling you, I just don't think</p> <p>20 that she was sexually active. When she did this, as I said,</p> <p>21 I went right over to the Rape Crisis counselor, and I was</p> <p>22 like, hey, you know, I don't understand what she's doing</p> <p>23 with this. I mean -- you know.</p> <p>24 And the reason why they thought that she was in</p> <p>25 prostitution was I guess someone had pulled her over and</p>
<p style="text-align: right;">Page 43</p> <p>1 something like that.</p> <p>2 Q. Expose herself, you mean?</p> <p>3 A. Yeah. I mean, it was kind of -- to me, you know,</p> <p>4 it was against all nature, in my opinion.</p> <p>5 Q. May I interrupt you for a second?</p> <p>6 A. Sure.</p> <p>7 Q. What did she expose?</p> <p>8 A. Her breasts.</p> <p>9 Q. Go on.</p> <p>10 A. And the Rape Crisis counselor said to me that when</p> <p>11 an adolescent has been sexually assaulted or raped, she</p> <p>12 said, they usually can go into two different directions.</p> <p>13 One, they become very sexually active, and, she said, or</p> <p>14 they can revert back to the other direction and become very</p> <p>15 closed and not be sexually active at all.</p> <p>16 Q. Right.</p> <p>17 A. She said that most of the time when -- this is</p> <p>18 what Denise had told me. She said that most of the time</p> <p>19 kids will do these things out of their own -- how did she</p> <p>20 put that? She said, out of their own way of lashing back.</p> <p>21 More like a way of them saying, okay, here I am type thing.</p> <p>22 I said, well, will she kind of grow out of it real fast?</p> <p>23 Because this is really bad. It's embarrassing.</p> <p>24 Q. What is embarrassing? The flashing?</p> <p>25 A. That she did this. I mean, I was humiliated.</p>	<p style="text-align: right;">Page 45</p> <p>1 asked her a question, and she -- something about the time or</p> <p>2 something -- or something, and the police had saw her,</p> <p>3 thought it was prostitution, and they -- this is my</p> <p>4 understanding of what happened. And they put her in the</p> <p>5 back of the squad car or the police car or whatever kind of</p> <p>6 car it was. They questioned the individual. The individual</p> <p>7 said he was just asking for the time. And then they dropped</p> <p>8 that. And that's how they dropped the suspected of</p> <p>9 prostitution.</p> <p>10 But when I asked Sarah Reed about her indecent</p> <p>11 exposure-type thing, you know, I was trying to find out why</p> <p>12 she would do something like that.</p> <p>13 Q. Was she criminally charged with indecent exposure?</p> <p>14 A. Pardon me?</p> <p>15 Q. Was she charged criminally with indecent exposure?</p> <p>16 A. Not that I remember of, no.</p> <p>17 Q. It was not long after that incident that she went</p> <p>18 to Abraxas; isn't that right?</p> <p>19 A. Right.</p> <p>20 Q. Why did she go to Abraxas?</p> <p>21 A. You know, I think that they were looking for</p> <p>22 something more stronger for her, as far as self-discipline,</p> <p>23 I think they were looking for.</p> <p>24 Q. Was there something, however, that precipitated</p> <p>25 that? Was there something that was really outrageous that</p>

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1 caused her to go to Abraxas? Did she commit a crime? Did
 2 she hit somebody? Did something happen like that?
 3 A. I'm trying to remember what actually got her
 4 landed in there. It's really difficult to put it back in
 5 perspective. I know -- I don't know if this is the actual
 6 incident that landed her there, but I remember her -- taking
 7 her down to juvenile probation, where she met on Mondays.
 8 And, you know, I would always tell her, tell the truth, what
 9 would happen, anytime anything bad happened. I would say,
 10 well, go ahead and tell them. So she said, yeah, I hit my
 11 mom and it felt good, you know. So --
 12 Q. I think [REDACTED] testified at her deposition that
 13 she flunked a drug test, which is why she went to Abraxas.
 14 Does that ring a bell with you?
 15 A. She flunked a drug test at the -- what is the
 16 word?
 17 Q. Edmund L.
 18 A. Edmund L. Thomas, yes. That's where they dropped
 19 the indecent exposure, dropped the --
 20 Q. Shipped her off to Abraxas?
 21 A. Yeah. They dropped all this off and then shipped
 22 her out there.
 23 Q. Who sent her to Abraxas? The criminal justice
 24 system?
 25 A. I think it was on the referral of -- and I could

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1 be wrong. But I think it was on the referral of her
 2 probation officer.
 3 Q. Probation officer in the County probation office?
 4 A. Yes. I believe that's how it went.
 5 Q. What was her name?
 6 A. Julie Strickenberger.
 7 Q. Julie Strickenberger. What was she on probation
 8 for?
 9 A. Oh, man. Geez.
 10 Q. She must have committed a crime to get her on
 11 probation.
 12 A. Well, I think what started it all -- her
 13 probation, if I remember rightly, I believe is when she --
 14 you know, I think -- I could be wrong. But I think it was
 15 when she hit officer Lupski (sic) with those --
 16 Q. Slupski?
 17 A. Yeah. Because that was a felony.
 18 Q. She was charged with that, right?
 19 A. Right. She --
 20 Q. You, in fact, insisted on it.
 21 A. I insisted on it, yeah.
 22 Q. Because you thought she needed a wake-up call?
 23 A. Yeah.
 24 Q. Okay. So she was charged with a crime.
 25 A. Yeah.

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1 Q. Assault of some kind on Officer Slupski?
 2 A. Yeah.
 3 Q. Was she ever charged with any other crime besides
 4 that -- I guess I'm repeating myself, but --
 5 A. She was, but I don't remember exactly when it was.
 6 Q. Do you remember what they were; what the crimes
 7 were?
 8 A. She was -- well, she was recently in trouble in
 9 January.
 10 Q. She hit a kid at North East?
 11 A. Yeah. Hit a kid in North East. Which now she's
 12 on probation for that.
 13 Q. Was she on probation when she hit that kid?
 14 A. No, huh-uh. She had been off probation for, I
 15 think, about nine months.
 16 Q. So she went back in the criminal justice system
 17 after striking that boy?
 18 A. Yes. In front of John Trucilla.
 19 Q. Okay. And she was put on probation. She did not
 20 get any incarceration for that?
 21 A. No, huh-uh.
 22 Q. All right. Well, before that, she had been
 23 charged criminally for things, right?
 24 A. Yes.
 25 Q. What had she been charged with?

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1 A. Oh, man. I don't --
 2 Q. Can't remember?
 3 A. I can't remember everything that she --
 4 Q. Can you give me the general type of things?
 5 A. Assaultive -- assaultiveness, underage drinking.
 6 That's it. I don't remember much of anything else. I mean,
 7 they were more or less the same things over and over and
 8 over again, in my opinion. But I can't remember --
 9 Q. After she came back from Abraxas, was she -- you
 10 said earlier, she was improved?
 11 A. Yes.
 12 Q. Has she improved since getting out of Abraxas in
 13 the spring of 2004?
 14 A. Yes.
 15 Q. And tell me about that improvement.
 16 A. Well, we all know that she's in tenth grade, and I
 17 just -- I just want to -- to highlight, when she went --
 18 when she got in trouble -- when she got arrested -- charged
 19 with the assault on the boy, and they put her -- North East
 20 High School said, look -- they had a meeting with me. They
 21 said, hey, you know what, we really don't want to send her
 22 to the Millcreek Learning Center, but under protocol, we
 23 have to do so because of the nature of what she's done.
 24 They said, we're going to recommend that she only stay there
 25 30 calendar days, because she's been an absolute blessing to

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<p style="text-align: right;">Page 50</p> <p>1 the school; she's been a really good kid. They said, we 2 can't say anything bad about her, because she's a positive 3 kid. 4 So when we went to the Millcreek Community 5 Learning Center, when they asked her what grade she was in, 6 it was to my surprise, and I think Rachel's surprise too, 7 that she -- that they asked her, and I said, well, she's in 8 tenth grade. And the principal said, well, tenth/eleventh. 9 And I looked at him, and I said, what do you mean, 10 tenth/eleventh? Either she's in tenth or she's in eleventh, 11 you know? He said, well, she's on the honor roll, and she's 12 accumulated enough credits that she is kind of 13 tenth/eleventh. So that was a total surprise to me. 14 I mean, she does -- she stays home. I mean, she 15 does chores. I mean, she's more or less back to where she 16 used to be when I -- before all this happened. 17 Q. When did she get back there? 18 A. Pardon me? 19 Q. When did she get back there? When did she get 20 back to where she used to be? 21 A. Oh, within the last -- I'd say within the last 22 year she was starting to -- she had start of a turnaround. 23 Q. When did she get back to where she used to be, 24 though? She started to turn around about a year ago. That 25 was when she got back out of Abraxas, right?</p>	<p style="text-align: right;">Page 52</p> <p>1 A. No. 2 Q. He did not deserve it? 3 A. Huh-uh. No. I'm sorry. I'm not going to say -- 4 Q. All right. I was joking. 5 A. But he did not deserve that. As a matter of fact, 6 one of the things that -- out of that incident where she hit 7 him, her ICM worker, Lori Bizzarro -- and Linda Kray was at 8 the meeting. And they said, look, we need to think about 9 something here. And the principal said, well, I'm all ears; 10 I'm willing to listen to anything you have to tell me. And 11 she said, you know, these depositions are kind of hard for 12 her to cope with, and we think that maybe -- they were 13 speculating, but they thought maybe the depositions were 14 having an effect on her emotionally. And they said that -- 15 that's one of the reasons why they think that she did what 16 she did. 17 Q. Depositions. You mean this case? 18 A. Um-hum. Yes. Sorry. I keep forgetting. 19 Q. Is she still in learning support? 20 A. Yes. 21 Q. Has Rachel been in learning support her entire 22 school career? 23 A. I think so, if I -- looking back, I think so. 24 Q. She still has an IEP, then, now? 25 A. Yes. She has to.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yeah. 2 Q. I want to know when she got -- when did she get 3 where she used to be after she got out of Abraxas? 4 A. Oh, that would be about seven months ago. 5 Q. Seven months ago? 6 A. Yeah. We haven't -- there was an issue -- 7 Q. So the beginning of tenth grade. 8 A. Yeah. Pretty much, yeah. But she wanted -- she 9 wanted to go to North East High School. And at first, you 10 know, they -- they were a little -- you know, they were a 11 little hesitant, you know, because of her history of, you 12 know, doing stuff like this (indicating). 13 Q. The beginning of tenth grade, then, she was about 14 where she was before she went to Strong Vincent in seventh 15 grade. 16 A. Um-hum. Yes. 17 Q. Okay. And she had a little bit of a slip when she 18 struck that boy. 19 A. Yes. Yeah. And her -- 20 Q. Maybe he deserved it, but she struck him. 21 A. Pardon me? 22 Q. Never mind. 23 A. Well, I didn't hear what he said. 24 MR. OLDS: Off the record. 25 Q. I said maybe the kid deserved getting hit.</p>	<p style="text-align: right;">Page 53</p> <p>1 (Discussion held off the record.) 2 Q. Has R. [REDACTED] shown -- demonstrated any fear of males 3 following this incident? Men or boys? 4 A. No. 5 Q. Does she have any kind of a phobia you have 6 detected of any kinds of people; maybe based on race, 7 perhaps? 8 A. That's a tough question. The reason why I say 9 that like that is because, I mean, she doesn't like to go 10 out and -- she stays home all the time. She is usually in 11 bed by 9:00 at night, which is unusual for a teenager. 12 Q. That's a good problem. 13 A. I like that. You know. But she doesn't like -- 14 she does, however, like to always -- if my wife and I try to 15 get out, quote/unquote, alone for a while, she doesn't want 16 to be left alone. She wants to be with us. 17 MR. MARNEN: I have no other questions. Thank you 18 very much. 19 MR. OLDS: I don't have any questions. 20 21 (Deposition concluded at 2:30 p.m.) 22 23 24 25</p>

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March 18, 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P., by and for
Rachel P., and DENISE L.,
by and for K██████ L.,
Plaintiffs

v.

Civil Action No. 03-390
Erie

SCHOOL DISTRICT OF THE CITY
OF ERIE, PENNSYLVANIA; JANET
WOODS, Individually and in
her Capacity as Principal of
Strong Vincent High School;
and LINDA L. CAPPABIANCA,
Individually and in her
Capacity as Assistant
Principal of Strong Vincent
High School,
Defendants

Deposition of VIKKI SCULLY, taken before
and by Janis L. Ferguson, Notary Public in and
for the Commonwealth of Pennsylvania, on Friday,
March 18, 2005, commencing at 1:14 p.m., at the
offices of Knox McLaughlin Gornall & Sennett, PC,
120 West 10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR
Ferguson & Holdnack Reporting, Inc.

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<p style="text-align: right;">Page 2</p> <p>1 For the Plaintiffs:</p> <p>2 Edward Olds, Esquire</p> <p>3 Carolyn Spicer Russ, Esquire</p> <p>4 1007 Mount Royal Boulevard</p> <p>5 Pittsburgh, PA 15223</p> <p>6 For the Defendants:</p> <p>7 James T. Marnen, Esquire</p> <p>8 Knox McLaughlin Gornall & Sennett, PC</p> <p>9 120 West 10th Street</p> <p>10 Erie, PA 16501</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 VIKKI SCULLY, first having been</p> <p>2 duly sworn, testified as follows:</p> <p>3</p> <p>4 DIRECT EXAMINATION</p> <p>5 BY MR. OLDS:</p> <p>6</p> <p>7 Q. Good afternoon, Miss Scully.</p> <p>8 A. Hi.</p> <p>9 Q. How are you?</p> <p>10 A. Good. How are you?</p> <p>11 Q. I'm okay. I'm Ed Olds, and I represent Kristina</p> <p>12 Long and Rachel Polancy, who have a lawsuit against the Erie</p> <p>13 School District. And we're just going to -- we're here to</p> <p>14 see if you have any information that's pertinent to that</p> <p>15 lawsuit.</p> <p>16 A. Okay.</p> <p>17 Q. And I guess you are currently employed by the Erie</p> <p>18 School District; is that right?</p> <p>19 A. I am.</p> <p>20 Q. One thing. If you can let me finish a question</p> <p>21 before you answer. It's very human --</p> <p>22 A. Um-hum.</p> <p>23 Q. -- that we always interrupt each other. However,</p> <p>24 when you go back and read the record, sometimes you can't</p> <p>25 figure out what the question was.</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF VIKKI SCULLY</p> <p>4 Direct examination by Mr. Olds 4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 EXHIBITS:</p> <p>11 Scully Deposition Exhibit 1 - Page 28</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Okay.</p> <p>2 Q. So when we talk, we always interrupt. I'll try</p> <p>3 not to interrupt your answers. Okay?</p> <p>4 A. All right.</p> <p>5 Q. And we'll work through it. Maybe my questions</p> <p>6 never end, and that's the problem. So how long have you</p> <p>7 worked for the Erie School District?</p> <p>8 A. This is my sixth year.</p> <p>9 Q. And what schools have you worked at?</p> <p>10 A. Strong Vincent. It was a high school/middle</p> <p>11 school at the time I was there, for four years, and</p> <p>12 Roosevelt Middle School for two.</p> <p>13 Q. When you were at Strong Vincent, what did you</p> <p>14 teach?</p> <p>15 A. Learning support math, reading, science, English.</p> <p>16 And the math, I taught one block high school and the rest --</p> <p>17 most of the time I was middle school.</p> <p>18 Q. Tell me the difference between being a learning</p> <p>19 support teacher and a regular teacher.</p> <p>20 A. Learning support, the students are there because</p> <p>21 they have Individualized Education Plans. We teach</p> <p>22 curriculum content, but at a -- slower-paced adaptive</p> <p>23 reading levels, because the students in our classrooms are</p> <p>24 not working to grade level.</p> <p>25 Q. Do you have smaller classes as a learning support</p>

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<p style="text-align: right;">Page 6</p> <p>1 teacher?</p> <p>2 A. When I first started, we did, but now they can be</p> <p>3 anywhere between 10 and 20 kids. Students.</p> <p>4 Q. And the events that we're concerned with are</p> <p>5 2001/2002, that time period. And you were at Strong</p> <p>6 Vincent, then, and the principal was Janice Woods, and --</p> <p>7 Janet Woods, and the assistant principal was Linda</p> <p>8 Cappabianca; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. Had you known either one of those before you</p> <p>11 started at Strong Vincent?</p> <p>12 A. No.</p> <p>13 Q. What was your first year at Strong Vincent?</p> <p>14 A. 1999/2000 school year. Dr. Dixon was the</p> <p>15 principal.</p> <p>16 Q. Okay. And do you remember who the assistant</p> <p>17 principal was?</p> <p>18 A. Pat Hart and Mary Popadak.</p> <p>19 Q. In 2001/2002, were there two assistant principals?</p> <p>20 A. Yes. I believe Linda Cappabianca came to us in</p> <p>21 the middle of the year that year, but I'm not sure on that.</p> <p>22 To work with middle school students. Pat at that point had</p> <p>23 worked with all the boys. The assistant principals handle</p> <p>24 the discipline. Pat worked with the boys, Mary worked with</p> <p>25 the girls. And I think it was that year that they brought</p>	<p style="text-align: right;">Page 8</p> <p>1 A. And I would see her for the same situations.</p> <p>2 Q. And do you remember -- R[REDACTED] is here today. I</p> <p>3 take it -- do you remember her when she was in your class?</p> <p>4 A. Yes.</p> <p>5 Q. What about K[REDACTED]</p> <p>6 A. Yes. I remember both of them.</p> <p>7 Q. Do you remember what subjects you taught them?</p> <p>8 A. Is it R[REDACTED] or R[REDACTED]</p> <p>9 Q. Well, it depends on who you ask.</p> <p>10 A. When I knew her, it was R[REDACTED].</p> <p>11 Q. R[REDACTED]</p> <p>12 A. I had her for science and reading. And K[REDACTED],</p> <p>13 for science. I think Mrs. Gray had her for reading.</p> <p>14 Q. Do you remember, was K[REDACTED] petite?</p> <p>15 A. Um-hum. Yes.</p> <p>16 Q. Right. It's best if you say yes or no. So, now,</p> <p>17 did you also have C[REDACTED]?</p> <p>18 A. Yes.</p> <p>19 Q. And was he -- do you recall whether he was in</p> <p>20 either -- any of your classes where K[REDACTED] and R[REDACTED] were</p> <p>21 also in the class?</p> <p>22 A. I would need to see my schedule roster to verify</p> <p>23 it. I think K[REDACTED] and C[REDACTED] were in science together.</p> <p>24 Q. Do you recall whether K[REDACTED] complained about</p> <p>25 C[REDACTED]</p>
<p style="text-align: right;">Page 7</p> <p>1 someone on to address the seventh and eighth graders.</p> <p>2 Q. And then -- you are at Roosevelt now; is that</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. Who is the principal and assistant principal</p> <p>6 there?</p> <p>7 A. Ina Fisher is the principal, Fabienne Mir is the</p> <p>8 assistant, and Joe Orlando is the other assistant.</p> <p>9 Q. Now, in 2001/2002, did you have much contact with</p> <p>10 Miss Woods?</p> <p>11 A. Yes.</p> <p>12 Q. What would be the occasions that you would see</p> <p>13 her?</p> <p>14 A. I saw her if I needed supplies. I was involved in</p> <p>15 a lot of the planning for things with special education</p> <p>16 students. For instance, if we were doing testing, part of</p> <p>17 my job responsibility was I would organize the testing, so I</p> <p>18 would meet with her. She was very available to me. And if</p> <p>19 I had concerns that I felt were an administrative need, I</p> <p>20 would alert her to the situation. They could be discipline</p> <p>21 or concerns about particular students.</p> <p>22 Q. And what about Miss Cappabianca?</p> <p>23 A. She was right across the hall from me, so I -- I</p> <p>24 mean, saw her endlessly throughout the day.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. Not often, no.</p> <p>2 Q. But she did?</p> <p>3 A. Not about C[REDACTED]. My concern with K[REDACTED]</p> <p>4 was -- she would be late to class, so we would talk about</p> <p>5 why she was coming late.</p> <p>6 Q. Do you recall whether she ever asked to be moved</p> <p>7 away from C[REDACTED]?</p> <p>8 A. No. Because I had C[REDACTED] off to the side by my</p> <p>9 desk.</p> <p>10 Q. Was he a discipline problem?</p> <p>11 A. He was very social and needed to be redirected.</p> <p>12 Q. As a teacher, as a special ed. teacher, LS</p> <p>13 teacher, did you have access to information about the</p> <p>14 kids' -- the students' prior academic or social discipline</p> <p>15 history?</p> <p>16 A. Academic, any information, that would be available</p> <p>17 in an evaluation report. But discipline files do not follow</p> <p>18 students.</p> <p>19 Q. Did C[REDACTED] B[REDACTED] did he ever -- do you recall</p> <p>20 whether you ever observed him harassing female students?</p> <p>21 A. Can you define harassing. Like what?</p> <p>22 Q. Well, I guess harassing would be bothering them in</p> <p>23 a way that was unpleasant to them.</p> <p>24 A. I have seen -- yeah, I saw him annoying. I don't</p> <p>25 know if it would be harassing, but.</p>

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<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. Describe the conduct that he engaged in 2 that you remember.</p> <p>3 A. It would be stuff like he would repeat stuff that 4 they said or interrupt when they were talking or, you know, 5 you're looking at me, stop looking at me. You moved my pen. 6 Stuff like that.</p> <p>7 Q. Did you have to -- let me ask it this way: In 8 terms of maintaining order in your classroom, what tools did 9 you have as a teacher to make sure that all the students 10 were on task?</p> <p>11 A. I would separate students who I considered to be 12 distracting. I would put them closer in proximity to me so 13 I could monitor what they're doing, and I kept them very 14 busy. I had stuff to do from -- immediately when you walked 15 in, there was stuff on the board. It was called a "do now", 16 where they had to sit down and get to work. Try to reduce 17 downtime at all -- at all costs, because that's when middle 18 school students get into trouble, is when they have 19 unstructured time.</p> <p>20 I encourage the students to tell me, you know, if 21 things were going on, and then we would address it and worry 22 about stuff in the classroom. And then if the kids were 23 violating the rules, there was the discipline measures; 24 teacher detention, phone call home. And if it would 25 persist, then it would be referred to the office and the</p>	<p style="text-align: right;">Page 12</p> <p>1 what, you know, she did.</p> <p>2 Q. And do you remember B [REDACTED] C [REDACTED]</p> <p>3 A. Yes, I do.</p> <p>4 Q. Was she in any classes with either R [REDACTED] or 5 K [REDACTED]?</p> <p>6 A. That, I would have to look at my -- I don't 7 remember.</p> <p>8 Q. And what kind of discipline problems did B [REDACTED] 9 C [REDACTED] present?</p> <p>10 A. Defiant to authority. If she wanted to do 11 something, she would do it. If she didn't, then she 12 wouldn't.</p> <p>13 Q. And was she friends with C [REDACTED] B [REDACTED], do you 14 know?</p> <p>15 A. I don't know. I -- they interacted. I don't know 16 if I would call them friends.</p> <p>17 Q. In terms of your -- either your background, you 18 know, your educational background, your experiential 19 background, is it fair to say that learning support kids 20 might be more vulnerable than other kids, in terms of abuse 21 or harassment? Is that a fair statement, do you think?</p> <p>22 A. I don't know, because as I have gone on in my 23 career, I -- I have seen kids in the regular ed., regular 24 education students who are often targets to -- I don't think 25 so much it's, per se, because they are a learning support</p>
<p style="text-align: right;">Page 11</p> <p>1 administrators.</p> <p>2 Q. Teacher detention, what kind of -- what did that 3 imply?</p> <p>4 A. They would come after school the next day or the 5 day after, and I would either give them an assignment, or we 6 would talk about what was going on. Basically they had to 7 stay after school a half hour for -- you know, some 8 punishment was doled out during that time period.</p> <p>9 Q. And that's different from the -- we've run across 10 a term called the PASS.</p> <p>11 A. Um-hum. Program for After-School Suspension.</p> <p>12 Q. Okay. Program for After-School Suspension. So 13 the teacher suspension was a different tool?</p> <p>14 A. That was the first kind of notch on the discipline 15 belt.</p> <p>16 Q. And did you find that you were referring -- using 17 the referral system to refer C [REDACTED] B [REDACTED] to 18 Miss Cappabianca for help?</p> <p>19 A. C [REDACTED] -- C [REDACTED] was referred to the office 20 frequently, I would say.</p> <p>21 Q. Did you talk to -- when you referred C [REDACTED], 22 would Miss Cappabianca talk to you, or would there be 23 communications between the two of you?</p> <p>24 A. Yes. She was very open and, you know, wanted to 25 know what was going on, or would give us feedback as to</p>	<p style="text-align: right;">Page 13</p> <p>1 student. Because there's many learning support students 2 that go through school fine without ever being the target 3 or, you know, getting picked on.</p> <p>4 Q. Do you recall whether either K [REDACTED] or R [REDACTED] 5 were targets of either harassment or bullying by other 6 students?</p> <p>7 A. Not to my recollection, no. K [REDACTED] was 8 social -- K [REDACTED] had a sister at the school who she was 9 protective of. And R [REDACTED] was very quiet. R [REDACTED] was the 10 kind of student that went in the back of the room, sat 11 there, did her work, and didn't -- didn't cause much of a 12 scene. So I didn't -- you know, she was one of the quiet 13 ones.</p> <p>14 Q. Do you remember whether you ever had to refer 15 either R [REDACTED] or K [REDACTED] to Miss Cappabianca?</p> <p>16 A. R [REDACTED] I sent to the office -- the one time that 17 I recall is when she had walked into the room and had yelled 18 a curse word at a student, which was surprising, because I 19 had not heard R [REDACTED] talk like that. And I sent her over to 20 the office.</p> <p>21 I don't think I ever referred K [REDACTED] or R [REDACTED] 22 for any other reason. For discipline -- discipline for -- I 23 mean, if, you know, kids come up and say I have a problem or 24 something, I would send them to the office so they could 25 talk. But K [REDACTED] and R [REDACTED] were, in my opinion, no way</p>

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<p style="text-align: right;">Page 14</p> <p>1 behavior problems.</p> <p>2 Q. Do you know whether K [REDACTED] ever talked to you</p> <p>3 and asked your permission to go to the office so that she</p> <p>4 could talk to Mrs. Cappabianca?</p> <p>5 A. There were a couple times where she would go and</p> <p>6 talk with her. K [REDACTED] had a very good relationship with</p> <p>7 Linda. She was open and willing to talk. R [REDACTED] was a</p> <p>8 little more shy, quiet, kept to herself.</p> <p>9 Q. And when you say that K [REDACTED] had a good</p> <p>10 relationship with Mrs. Cappabianca, how do you know that?</p> <p>11 A. They were talking a lot. Miss Cappabianca spent a</p> <p>12 lot of time with her, you know, walking down the hall. I</p> <p>13 would see them talking. Or if K [REDACTED] needed to go talk to</p> <p>14 her -- my room was literally right across the hall, so I</p> <p>15 could look in, and I knew who was in the office, because I</p> <p>16 usually keep my door open.</p> <p>17 Q. At some point did you learn that Kristina and</p> <p>18 Rachel had been molested?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. How did you learn that?</p> <p>21 A. That was the day after -- it was after the day</p> <p>22 that Rachel had come in and, out of character, screamed at a</p> <p>23 student. And when I sent her over to the office, shortly</p> <p>24 thereafter, news of the incident was -- we were told certain</p> <p>25 things about what had happened.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Yes.</p> <p>2 A. No, I don't.</p> <p>3 Q. Okay. And then it's your testimony that the next</p> <p>4 day following that, that you learned -- Miss Cappabianca</p> <p>5 told you that there had been an incident involving the</p> <p>6 girls.</p> <p>7 A. Yes. And I'm not sure if it was the next day, but</p> <p>8 somewhere -- because the investigation had begun. And</p> <p>9 somewhere in that time period, we were told, you know, the</p> <p>10 facts that we needed to know, which weren't many.</p> <p>11 Q. So it might not have been -- it might have been</p> <p>12 the next day, or it might not have been.</p> <p>13 A. It was in that -- the first couple days.</p> <p>14 Q. Okay. And do you remember when that was?</p> <p>15 A. I believe it was right after we returned from</p> <p>16 school. After the Christmas holidays. So that was 2002.</p> <p>17 Q. Okay. Now, were you aware whether any of the</p> <p>18 other students were talking about the incident?</p> <p>19 A. A couple of days there was chatter, you know,</p> <p>20 amongst the kids. But we just kept trying to redirect and</p> <p>21 say, you know, people are taking care of it and -- and when</p> <p>22 an incident happens in a middle school, you know, it's --</p> <p>23 you know, people talk and rumors start to --</p> <p>24 Q. Right.</p> <p>25 A. So we just tried to keep it to a minimum.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. Tell me who told you and what was told to</p> <p>2 you.</p> <p>3 A. Linda Cappabianca let us know that the girls were</p> <p>4 assaulted in the back of the -- what was that? The</p> <p>5 Laundromat on 8th Street. And we weren't told a lot about</p> <p>6 it. I didn't know which boys were involved. But we were</p> <p>7 just, you know, instructed to keep the kids on task and to,</p> <p>8 you know, keep -- you know, keep it -- you know, usual</p> <p>9 typical day. Try to keep the kids redirected and -- so I</p> <p>10 didn't know many of the details of what happened.</p> <p>11 Q. You said that you learned the day after Rachel had</p> <p>12 come in and used the -- a curse word.</p> <p>13 A. Um-hum.</p> <p>14 Q. What do you recall of that incident; Rachel coming</p> <p>15 in the classroom?</p> <p>16 A. It was the very beginning of class. I believe it</p> <p>17 was the first thing in the morning. And the kids were</p> <p>18 walking in and getting settled. And all I heard was Rachel,</p> <p>19 you know, yell at this other student. And I was surprised.</p> <p>20 I remember being like, this isn't like her, and I just said,</p> <p>21 you need to go to the office. And then --</p> <p>22 Q. What word did she use?</p> <p>23 A. The "F" word.</p> <p>24 Q. And you don't remember the student, or you do?</p> <p>25 A. Who she said it to?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And then when you say "we", who are you -- who is</p> <p>2 "we"?</p> <p>3 A. Other teachers that -- the learning support</p> <p>4 teachers; Connie Manus, Jodie Gray, who taught across the</p> <p>5 hall.</p> <p>6 Q. Okay. Now, when Miss Cappabianca told you about</p> <p>7 the incident, did she gather all of you together to talk to</p> <p>8 you, or did she just talk to you?</p> <p>9 A. She told me on a one-to-one basis.</p> <p>10 Q. And then you're assuming that she also told the</p> <p>11 other teachers?</p> <p>12 A. Yes. Yeah.</p> <p>13 Q. And she didn't mention who the assailants were to</p> <p>14 you.</p> <p>15 A. No.</p> <p>16 Q. Okay. And do you recall whether either K [REDACTED]</p> <p>17 or -- and if I asked you this, I apologize. Did either</p> <p>18 K [REDACTED] or R [REDACTED] talk to you about the incident</p> <p>19 themselves?</p> <p>20 A. No.</p> <p>21 Q. Did you observe anyone -- after the incident, did</p> <p>22 you observe any students, you know, taunting, harassing, or</p> <p>23 bothering either R [REDACTED] or K [REDACTED]?</p> <p>24 A. No, because when I became aware of it was after</p> <p>25 the -- the blowup in my classroom. And after that, I didn't</p>